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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 10, 2003, at 12 noon.

Senate

FRIDAY, MARCH 7, 2003

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, omnipresent Lord of all life, we do not presume to invite You into this Chamber or into the deliberations of this day; You are already here. This is Your Nation; this historic Chamber is the sanctuary for the sacred work of government. All the Senators are here by Your choice, and all of us who work to support their leadership are here by Your providence.

The one place You will not enter without our invitation is our souls. You have ordained that we must ask You to take up residence in our inner being and to guide our thinking, desires, vision, and plans. The latch string is on the inside. You stand at the door of each of our souls, persistently knocking. We open the door and receive You as absolute Sovereign of our lives. Just as You reign as Sovereign of this Nation and our ultimate Leader to whom we relinquish our own wills, may Your very best for our beloved Nation be accomplished through what is debated and decided today. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. WARNER. Mr. President, on behalf of the majority leader, I advise Members that the Senate will be in a period of morning business until the hour of 12:30 p.m. today, with time equally divided between the chairman of the Armed Services Committee and the Democratic leader or their designees. The Senate leadership—the majority and minority—recognizing that a number of Senators have desired to speak on the international situation, is making this period available for Senators to address the world scene relating to the war on terrorism, with emphasis on Iraq and North Korea.

As announced last night, there will be no rollcall votes during today's session. The next vote will occur at 6 p.m. on Monday. It will be on the nomination of Gregory Frost of Ohio to be United States District Judge for the Southern District of Ohio.

Also, a reminder: Under the consent agreement reached last night, the Senate will begin consideration of Calendar No. 19, S. 3, the partial-birth abortion bill, at 5 p.m. on Monday.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with time to be equally divided between the Senator from Virginia, Mr. WARNER, and the Democratic leader or their designees.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. WARNER. Mr. President, I yield such time as may be required to our distinguished colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

WAR ON TERRORISM

Mr. GREGG. Mr. President, I thank the Senator from Virginia.

Mr. President, I appreciate the Senator from Virginia organizing this opportunity to discuss what is obviously one of the most serious issues which we as a nation are facing and which the world is facing; that is, the question of how we address terrorism, and specifically how we address terrorist states such as Iraq.

The leadership of the Senator from Virginia on this point has been long and strong and continuous. I admire the fact that he has given us that leadership, and I appreciate the fact that his service in the Senate and his expertise are brought to bear on this type of a very difficult question.

When we begin to address this issue of terrorism, I think we should start with the source. Let us turn to the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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words of the man who has basically orchestrated the attacks on the United States, Osama bin Laden, and his intentions and the intentions of the people he directs, and unfortunately encourages. Osama bin Laden, on the issue of weapons of mass destruction, in an interview in 1999 from *Time* magazine, said the following:

Acquiring weapons for the defense of Muslims is a religious duty. If I have indeed acquired these weapons—

Weapons of mass destruction—

—then I thank God for enabling me to do so. And if I seek to acquire these weapons, I am carrying out a duty. It would be a sin for Muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on Muslims.

In a religious order he states:

We, with Allah's help, call on every Muslim who believes in Allah and who wishes to be rewarded to comply with Allah's order to kill Americans and plunder their money wherever and whenever they find it. The ruling to kill the Americans and their allies, civilians and military, is an individual duty for every Muslim who can do it in any country in which it is possible to do it.

These are the words of a fanatic who has a purpose. We have seen the execution of his purpose in the attacks on Americans, with thousands dying in New York and others here in Washington, military men and women in Yemen, and in our Foreign Service personnel in Africa.

The question becomes: From whom would he obtain these weapons of destruction? It is clear that one of the core sources of weapons of mass destruction is terrorist states which are producing those weapons of mass destruction—states which act outside the responsibility of the civilized world.

The state which has most flagrantly pursued that course of action is, of course, Iraq. They have weapons of mass destruction. That has been confirmed beyond question—biological and chemical—and they clearly are trying to develop nuclear. More importantly, Saddam Hussein has used those weapons not only against what he perceives as an enemy—the Iranians—but against his own people. He has killed thousands of his own people and tens of thousands of Iranians using weapons of mass destruction—chemical weapons.

We know there are literally tons of Vx gas and pounds of anthrax which are unaccounted for and which cannot be found—and which are in the possession of Saddam Hussein. Should they fall into the hands of Osama bin Laden, it is very clear from his own words that they would be used against us here in the United States, and the implications are staggering. If they were to be dispersed in any number of ways, tens of thousands of Americans might be harmed and possibly even die.

The United Nations has equally recognized that Saddam Hussein is a threat to the civilized world, and a number of resolutions have been passed by the United Nations calling for action to be taken by Saddam Hussein and his regime to comply with international law.

In April 1991, almost 12 years ago, the U.N. Security Council decided in Security Council Resolution 687 that Iraq shall unconditionally accept, under international supervision, the destruction, removal, or rendering harmless of its weapons of mass destruction, and ballistic missiles with a range over 150 kilometers. It further required Iraq to make a declaration within 15 days of the location, amounts, and types of such items.

Twelve years ago that resolution was passed. It is uncomplied with. It has been ignored. It has been intentionally obfuscated by Saddam Hussein.

In August 1991, Security Council Resolution 707 demanded that Iraq provide, without further delay, full, final, and complete disclosure of its proscribed weapons and programs as required by the previous resolution.

That resolution has been ignored, obfuscated, undercut, and actively avoided by Saddam Hussein's regime.

In June 1996, Security Council Resolution 1060 deplored the refusal of the Iraqi authorities to allow access to sites designated by the Special Commission, which constituted a clear violation of three previous resolutions.

That resolution has been ignored, obfuscated, and undercut by Saddam Hussein, and intentionally undermined.

In June 1997, Security Council Resolution 1115 condemned Iraq's actions and demanded Iraq allow UNSCOM's team immediate, unconditional, and unrestricted access to any sites for inspections, and officials for interviews by UNSCOM. Again, the resolution has been ignored, undermined, and actively obfuscated and circumvented by Saddam Hussein.

In October 1997, Security Council Resolution 1134 demanded that Iraq cooperate fully with the Special Commission and demanded also that Iraq, without delay, allow the inspection teams immediate, unconditional, and unrestricted access to any and all areas, facilities, equipment, records, as well as to persons whom the inspectors wish to interview.

The resolution has been ignored, undermined, and actively obfuscated by Saddam Hussein.

In November 1997, Security Council Resolution 1137 condemned the continued violations by Iraq, its tampering with monitoring cameras of the Special Commission, and demanded that Iraq cooperate fully, and immediately.

That was in 1997. And there has been no immediate cooperation. In fact, there have been active—active—attempts to interfere with and undermine that resolution.

In March 1998, Security Council Resolution 1154 stressed that Iraq must accord immediate, unconditional, and unrestricted access to the Special Commission, and that any violation would result in the severest consequences for Iraq.

Again, Iraq has ignored the resolution and actively worked to undermine it.

In November 1998, Security Council Resolution 1205 condemned the decision by Iraq to cease cooperation with the Special Commission as a flagrant violation of Resolution 687 and other resolutions.

In November 2002, Security Council Resolution 1441, which was unanimously approved, decided that Iraq has been and remains in material breach of its obligations under relevant resolutions and decided to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under the relevant resolutions.

Resolution 1441 has been ignored, obfuscated, and actively—actively—undermined by Saddam Hussein and his regime.

There can be no question—absolutely no question—but that Saddam Hussein and his regime in Iraq continued to possess weapons of mass destruction, continued to hide those weapons from the inspectors, continued to violate resolution after resolution of the world community, as presented by the United Nations, and represents a clear and present and immediate threat not only to its neighbors, but more specifically to us, the United States.

There are some in the world community, obviously—mostly in Europe—some of our allies, who, for whatever their personal reasons or whatever their national interests, have decided Saddam Hussein does not represent the threat we know he is. I might even recall the words of Washington when I think of that. Washington advised us, of course: Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice? There are interests there that are not ours. But in the end our purpose must be our national security and the security of our people.

It was not, of course, Berlin or France or Paris that was attacked. It was New York City that was attacked. As a result, it is America that is at risk.

Former President Clinton made it very clear he understood the threat of Saddam Hussein. He has described Iraq as a "rogue state with weapons of mass destruction ready to use them or provide them to terrorists, drug traffickers or organized criminals who travel the world among us unnoticed." He went on to imagine: What if Saddam fails to comply with the U.N. resolutions and we fail to act, or we take some ambiguous third course, which gives him yet another opportunity to develop this program of weapons of mass destruction? Mr. Clinton answered his own question by saying:

Well, [Saddam] will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And someday, some way, I guarantee you he'll use the arsenal. And I think every one of you who's worked on this for any length of time believes that, too.

That was President Clinton.

Last night, President Bush made it very clear that he understands his purpose as President, his responsibility as Commander in Chief, but more importantly, his responsibility as a leader of the free world, and the protector of the interests of the American people and the lives of Americans, must involve the disarmament of Iraq.

There can be no question about that. Iraq must be disarmed. We are engaged in a war. Some on the other side have said or implied there is no war and, therefore, we should not go to war. But when our buildings were attacked and our people died in New York, and when our people died in Washington, and when our sailors were killed in Yemen, and our Foreign Service people were killed in Africa, clearly, those were acts of war directed at us and at our people.

Were this the 19th century or well into the 20th century, when despots such as Saddam Hussein also existed—all through time there have been despots—then maybe we could take a more casual or leisurely approach to this, and maybe we could live by the code of some of our European allies: That we simply will do business with them and hope they go away. But those times no longer exist.

Today, when a rogue nation, led by a criminal individual, attains weapons of mass destruction, the death and destruction which they can level on people who they perceive as their enemies is overwhelming. The smoking gun is no longer a single bullet. The smoking gun may be a nuclear bomb or a biological weapon or a chemical attack which kills tens of thousands of Americans.

We cannot wait for the smoking gun. We know the weapons exist. We know the person who controls those weapons is fundamentally evil. And we know the people who want to attain those weapons have already killed thousands of Americans. We must take action.

So I congratulate and support our President as he moves forward to make it unquestionably clear we will not tolerate an Iraq that has weapons of mass destruction, and we will do what is necessary to protect our Nation and our people and the freedom which we enjoy.

Mr. President, I appreciate the Senator from Virginia granting me this time. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I very much appreciate the contribution of our distinguished colleague.

We have two speakers on our side ready to go forward, and we will rotate, as the case may be. But we now have the distinguished chairman of the Appropriations Committee, who is also the chairman of the Subcommittee on Defense within the larger committee, a man who has dedicated much of his lifetime to defense issues, beginning in World War II with his distinguished service in the Army Air Corps.

I would hope the chairman might make reference to the work that has been done in his committee with reference to the issues relating to international terrorism, Iraq, and North Korea, because there is some challenge to the Senate as an institution as to whether or not we are giving attention to these issues. Within the last day or so, I put into the RECORD a very long recitation of what the Committee on Armed Services of the Senate has been doing. I know the Committee on Appropriations, particularly the subcommittee, has been very active. We also are likely to hear from the chairman of the Foreign Relations Committee. His committee has also been doing a great deal of work.

We all recognize the value of debates in this historic Chamber, but there is much work going on within the committee structure by individual Senators in their town meetings. So, collectively, this institution has a good record of addressing the serious issues of our time.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Virginia is right. As a veteran of World War II and a child of the Depression, I harken back to the days before World War II when we had so much information coming our way concerning the scourge that was threatening and did threaten and almost destroyed Europe. We have tried to be vigilant in this country. We have had a series of debates not only on this occasion but at the time of the decision of the United States to fulfill the request of the United Nations to eject Saddam Hussein from Kuwait. We had similar divisions on the floor of the Senate then. I was sad to hear comments made before that action was initiated, but I was very proud of the Senate that after the decision was made to go to war against Iraq in order to eject them from Kuwait the Senate came together and supported President Bush in 1991 to achieve that objective.

Now we face a different circumstance. I like to harken back to the words that my good friend, the former Secretary of State, Henry Kissinger, said before the Senate Foreign Relations Committee last September. He said then:

We must consider not only the result of action but the consequences of our inaction.

Secretary Kissinger presents the watchwords for this body to consider and think about, especially since this administration and I personally believe that Saddam Hussein represents a clear and present danger to the United States and to those who believe in freedom throughout the world.

As a consequence of the terrorist attacks on September 11, 2001, and the war on terrorism that ensued, Secretary Kissinger pointed out that a new geopolitical reality was born. The world must recognize that the potential connection between terrorists and

weapons of mass destruction moved terrorism to a new level of threat. In fact, that nexus should be the overriding security issue of our Nation.

President Bush and his team of national advisers has determined that Saddam Hussein is in possession of weapons of mass destruction—chemical, biological, and possibly nuclear—which could be used by terrorists to threaten the world. There is a great deal of information collected by the United States in the past year concerning that fact.

In 2001, an Iraqi defector, Adnan Ihsan Saeed al-Haidari, said he had visited 20 secret facilities for chemical, biological, and nuclear weapons. Mr. Saeed, a civil engineer, supported his claims with Iraqi Government contracts complete with technical specifications. Mr. Saeed said Iraq used companies to purchase equipment with the blessing of the United Nations and then secretly used that equipment for their weapons programs.

Iraq admitted to producing biological agents and, after the 1995 defection of a senior Iraqi official, Iraq admitted to weaponization of thousands of liters of anthrax, botulinum toxin, and aflatoxin for use with Scud warheads, aerial bombs, and aircraft. Our Defense Department reported in 2001 that Iraq had continued to work its weapons programs, including converting an L-29 jet trainer aircraft for potential vehicles for delivery of chemical or biological weapons. Just think of that, weaponization of an airplane and using an airplane in a way entirely foreign to its original purpose. It reminds me of September 11.

This jet trainer is capable of delivering both of these systems, chemical and biological weapons. In fact, Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions, including Scud variant missile warheads. It has not accounted for at least 15,000 artillery rockets that in the past were its preferred vehicles for delivering nerve agents, nor has it accounted for almost 550 artillery shells filled with mustard agents.

Iraq is still purchasing chemical weapons agent precursors and applicable production equipment. It is making an effort to hide the activities at the Fallujah plant, which is one of Iraq's chemical weapons production facilities, which was one of those production facilities before the gulf war. At Fallujah and three other plants, Iraq has chlorine production capacity far higher than any civilian need for water treatment. Evidence indicates that some of its chlorine imports are being diverted for military purposes.

A report issued by the International Institute for Strategic Studies concluded that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material. In the last 14 months, Iraq has sought to buy thousands of specifically designed aluminum tubes which intelligence officials believe were intended

as components for centrifuges to enrich uranium. Iraq has withheld documentation relative to its past nuclear program, including data about enrichment techniques, foreign procurement, weapons designs, experimental data, and technical documents.

Saddam Hussein has repeatedly met with his nuclear scientists over the past 2 years, signaling his continued interest in developing a nuclear program.

Iraq is believed to be developing ballistic missiles with a greater range than 150 kilometers, as prohibited by U.N. Security Council Resolution 687. Iraq continues to work on the al-Samoud liquid propellant short-range missile which can fly beyond the 150 kilometers barred by the agreements into which it has entered. The al-Samoud and the solid propellant Ababil-100 appeared in a military parade in Baghdad on December 31, 2000, suggesting that both were nearing operational deployment. The al-Rafah-North facility is Iraq's principal site for testing liquid propellant missile engines, and it has been building a new larger test stand there that is clearly intended for testing prohibited long-range missile engines.

Each of these actions point to the creation of an environment that will permit Saddam Hussein to go after his enemies, whether they are in Iraq or any other region in the world. And we have seen time and time again Saddam Hussein has no regard for the ideals of freedom, equality, and justice for others. He lives in an empty echo chamber of evil.

What we must face is that the United Nations resolutions were systematically and brutally ignored and violated for the past 12 years. It was the U.N. inspectors who found it impossible to do their job and had to leave their work unfinished. They returned, and they have been at it again, trying to find the evidence to prove what we all believe is true.

Clearly, the Senator from New Hampshire has just stated Iraq has ignored now 17 resolutions and blatantly violated the agreement it made after defeat in 1991.

What we face is existence of a rogue state with weapons of mass destruction. I wonder if anyone here denies that. They have the willingness to use these weapons and have demonstrated in the past, both against the Kurds and Iran, that they have a hatred for the civilized world. It is a terrorist state now, in my opinion. If we were to go to war with Iraq again, we will not be ignoring our war on terrorism but trying to stamp out the source of it. Americans must face this responsibility and the realization that we are the one country in the world that can both eradicate this man, bring him to justice, and bring the seeds of democracy to a new nation.

I hope we will finally hear soon that all of the nations we believed were our partners in seeking freedom will sup-

port the objectives of the U.N. resolutions that have already passed. I think if we would enforce those, we would achieve a safe and lasting peace for Iraq and remove Saddam Hussein from power. In fact, I remind the Senate and the President of section 6 of the Iraqi Liberation Act of 1998, which urged then-President Clinton to call upon the U.N. to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials, including his sons Qusay and Uday, who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

Mr. President, I also awakened this morning to find the Washington Times. This story bothers me considerably. It is a story headlined "Iraq Strengthens Air Force with French Parts."

Mr. President, I ask unanimous consent that the full article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, this disturbs me greatly. For the last 20 years, 21 years, I have been privileged to attend the Paris Air Show, along with a substantial number of Americans and our American companies. I visited those companies in their chalets there. We tried to develop what was called a "two-way street." We would buy some materials from them and they would buy some from us.

There is no need for France to sell equipment to Saddam Hussein. It is international treason, Mr. President. It is in violation of a U.N. resolution, and there should be no question about French officials—they should come forward quickly to deal with this story. As a pilot and former war pilot, it disturbs me greatly that the French would allow, in any way, parts for the Mirage to be exported so the Iraqis could continue to use those planes. They are good planes, Mr. President. The French make very good aircraft parts. But they should not be finding their way to Saddam Hussein at this time.

I share the concern of the writer of that article about the position of the French government, in view of this information now disclosed by our intelligence officials. As Senator WARNER stated, as chairman of the Defense Appropriations Subcommittee, I intend to get to the bottom of that. We intend to make inquiries today and find out what more we know about what is disclosed in the article regarding the shipment of military parts from either France or Germany into Iraq. I believe the American people need to know more about this. We need to know why these two countries, among the best of our allies, are standing on the sidelines as we prepare to try to destroy this regime that threatens the world. In my judgment, it is something the Senate must take very seriously if either of those govern-

ments has allowed the export of war materials to go to Iraq at this time.

I thank my friend for allowing me this time.

EXHIBIT 1

[From the Washington Times, Mar. 7, 2003]

IRAQ STRENGTHENS AIR FORCE WITH FRENCH PARTS

(By Bill Gertz)

A French company has been selling spare parts to Iraq for its fighter jets and military helicopters during the past several months, according to U.S. intelligence officials.

The unidentified company sold the parts to a trading company in the United Arab Emirates, which then shipped the parts through a third country into Iraq by truck.

The spare parts included goods for Iraq's French-made Mirage F-1 jets and Gazelle attack helicopters.

An intelligence official said the illegal spare-parts pipeline was discovered in the past two weeks and that sensitive intelligence about the transfers indicates that the parts were smuggled to Iraq as recently as January.

Other intelligence reports indicate that Iraq had succeeded in acquiring French weaponry illegally for years, the official said.

The parts appear to be included in an effort by the Iraqi military to build up materiel for its air forces before any U.S. military action, which could occur before the end of the month.

The officials identified the purchaser of the parts as the Al Tamoor Trading Co., based in Dubai, United Arab Emirates. A spokesman for the company could not be reached for comment.

The French military parts were then sent by truck into Iraq from a neighboring country the officials declined to identify.

Iraq has more than 50 Mirage F-1 jets and an unknown number of Gazelle attack helicopters, according to the London-based International Institute for Strategic Studies.

An administration official said the French parts transfers to Iraq may be one reason France has so vehemently opposed U.S. plans for military action against Iraq. "No wonder the French are opposing us," this official said.

The official, however, said intelligence reports of the parts sale did not indicate that the activity was sanctioned by the French government or that Paris knows about the transfers.

The intelligence reports did not identify the French company involved in selling the aircraft parts or whether the parts were new or used.

The Mirage F-1 was made by France's Dassault Aviation. Gazelle helicopters were made by Aerospatiale, which later became a part of a consortium of European defense companies.

The importation of military goods by Iraq is banned under U.N. Security Council resolutions passed since the 1991 Persian Gulf war.

Nathalie Loiseau, press counselor at the French Embassy, said her government has no information about the spare-parts smuggling and has not been approached by the U.S. government about the matter.

"We fully comply with the U.N. sanctions, and there is no sale of any kind of military material or weapons to Iraq," she said.

A CIA spokesman had no comment.

A senior administration official declined to discuss Iraq's purchase of French warplane and helicopter parts. "It is well known that the Iraqis use front companies to try to obtain a number of prohibited items," the official said.

The disclosure comes amid heightened anti-French sentiment in the United States over Paris' opposition to U.S. plans for using force to disarm Iraq.

A senior defense official said France undermined U.S. efforts to disarm Iraq last year by watering down language of U.N. Security Council Resolution 1441 that last fall required Iraq to disarm all its chemical, biological and nuclear weapons programs.

France, along with Russia, Germany and China, said yesterday that they would block a joint U.S.-British U.N. resolution on the use of force against Iraq.

French Foreign Minister Dominique de Villepin told reporters in Paris on Wednesday that France "will not allow a resolution to pass that authorizes resorting to force."

"Russia and France, as permanent members of the Security Council, will assume their full responsibilities on this point," he stated.

France has been Iraq's best friend in the West. French arms sales to Baghdad were boosted in the 1970s under Premier Jacques Chirac, the current president. Mr. Chirac once called Saddam Hussein a "personal friend."

During the 1980s, when Paris backed Iraq in its war against Iran, France sold Mirage fighter bombers and Super Entendard aircraft to Baghdad, along with Exocet anti-ship missiles.

French-Iraqi ties soured after the Iraqi invasion of Kuwait that led to the 1991 Persian Gulf war.

France now has an estimated \$4 billion in debts owed to it by Iraq as a result of arms sales and infrastructure construction projects. The debt is another reason U.S. officials believe France is opposing military force to oust Saddam.

Henry Sokolski, director of the private Nonproliferation Policy Education Center, said French transfers of military equipment to Iraq would have "an immediate and relevant military consequence, if this was done."

"The United States with its allies are going to suppress the Iraqi air force and air defense very early on in any conflict, and it's regrettable that the French have let a company complicate that mission," Mr. Sokolski said.

Secretary of State Collin L. Powell last month released intelligence information showing videotape of an Iraqi F-1 Mirage that had been modified to spray anthrax spores.

A CIA report to Congress made public in January stated that Iraq has aggressively sought advanced conventional arms. "A thriving gray-arms market and porous borders have allowed Baghdad to acquire smaller arms and components for larger arms, such as spare parts for aircraft, air defense systems, and armored vehicles," the CIA stated.

Iraq also has obtained some military goods through the U.N.-sponsored oil-for-food program.

A second CIA report in October on Iraq's weapons of mass destruction stated: "Iraq imports goods using planes, trains, trucks, and ships without any type of international inspections—in violation of UN Security Council resolutions."

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is always a great pleasure to listen to my distinguished colleague.

I wonder if I might just make reference to a point of history. Give or take a year or so, both of us lived through the World War II period. You

were a distinguished aviator with the Air Corps. I was a mere sailor in the closing months. You got overseas and, fortunately, my generation didn't have to go because of the courage of Harry Truman.

Mr. STEVENS. I am always pleased to be with young men, Mr. President.

Mr. WARNER. I thank the Senator very much.

We have to use history as a rearview mirror to explain the complexity of the times. You will recall that period in 1937 when the war clouds were gathering in Europe, and Neville Chamberlain went over to see whether or not he could reconcile the situation involving Hitler and the extraordinary buildup of his forces. The world was apprehensive. Chamberlain emerged from the meeting and flew back to London with a piece of paper that said "peace in our times." And then we know the tragic events that unfolded after that, with the invasion of Poland in 1939, and then down through and into France in 1940, and the entrapment of the British forces at Dunkerque. The whole world came in on top of us because we failed to heed what was absolutely manifest—that Hitler was a despotic dictator, with the then-current generation of weapons of destruction, and he unleashed them on the whole world as we stood by.

Mr. President, I fear the same consequences now. That is why I commend our President for his steadfastness, tenaciousness, courage, and wisdom in addressing these issues and not flinching or blinking, but staying the course and trying, as he said last night, to make diplomacy work, but recognizing that if diplomacy fails, we have to step into the breach and lead.

The Senator mentioned the only nation is the United States, but I know he wishes to include Great Britain.

Mr. STEVENS. Will the Senator yield?

Mr. WARNER. Yes.

Mr. STEVENS. Yes, that is why I amended my comment. I certainly do admire greatly the position of Great Britain and its leaders right now.

Regarding the comment of the Senator about my memories of 1937, I was 14 then. I recall listening to people who tried to explain to me what was going on in Europe. It wasn't until much later, really, that I learned, as I entered college and started studying about world policies, just really the sadness of that trip Chamberlain made.

I join the Senator from Virginia, Mr. President, because I have just total admiration for our President and his fortitude.

Would there had been leaders in Europe at the time we are discussing who had the courage to stand up to Hitler and try to put together coalitions to stop him from expanding. Once on the floor I compared Saddam Hussein to Hitler, and I was criticized for that. In my mind, a tyrant is a tyrant and evil is evil. From the days of my youth, Hitler was the epitome of evil. In the

time we are now living, I believe Saddam Hussein is the epitome of evil, and the President is correct to talk about evil in relationship to this man and his intentions.

Above all, I admire the President for his courage to stand up despite all the criticism, all the apparent division that is developing in this country, and saying: We, as a nation, have declared ourselves to be the agents for freedom in the world, and we are going to pursue our goal of changing that regime so it cannot threaten the world.

I am involved, as the Senator knows, with the problems of the development of oil in my State. I shudder every day to think that as the delivery of oil from Alaska to what we call the south 48 States has declined, our purchase of Iraqi oil has increased. I wonder how many Americans realize we are sending daily to Iraq moneys that Saddam Hussein uses to buy this equipment, uses to buy these Mirage parts.

The problem of today is we compartmentalize information to the extent of saying: Yes, we know that, but on the other hand, some people say, we should not be disturbed by those facts.

I am disturbed, and I wonder, as we do go to war with Iraq, about the future of this country and what happens to that oil and what happens to our Nation as we now import about 55 percent of the oil we consume daily. We used to be self-sufficient in oil and gas. We are not today. It is because we have been lured into thinking perhaps if we traded with tyrants such as Iraq, they would recognize the bond of business rather than the bond of commitment to principle.

I hope we will find the day when the Nation as a whole will join President Bush and his advisers—what a wonderful array of advisers he has with Secretary Powell, Condoleezza Rice, and Secretary Rumsfeld. I cannot think of a generation of individuals who are better trained to guide this country through a period of crisis than the ones with whom the President has surrounded himself, with the approval of the Senate.

I have every confidence in what the President is trying to do. I think it will be a swift and decisive war. It will involve casualties—casualties that could be avoided if other nations of the world would join with us and the people of Iraq understood the world was joined together to condemn this man and his cohorts.

Right now, I believe it is time for us to realize, those who support the President, that we may have to do what he says: We may have to go it alone almost. We will have a coalition. The coalition will actually be bigger than 1991 but not the same partners.

I agree with the President, we do not need partners on this one. We do not need them. I believe we have right on our side and we have might on our side and we should use that might for the best interest of the world and the future.

I thank the Senator for the privilege of being with him this morning.

Mr. WARNER. Mr. President, I thank my colleague. I wish to associate myself with his comment about the great team of advisers the President has. They have time and again gone into the forums of the world to indicate the necessity for strong action and strong leadership at this time. We certainly have it in this President and his administration. I thank my colleague.

I see, Mr. President, the distinguished chairman of the Foreign Relations Committee. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, with the distinguished chairman of the Appropriations Committee still in the Chamber and likewise my colleague, Senator WARNER, chairman of the Armed Services Committee, I wish to say what a privilege it is to work with these two great Senators.

Senator WARNER, mentioned, as did Senator STEVENS, the great team the President has assembled with Secretary Rumsfeld, Secretary Powell, and Condoleezza Rice. We are very pleased in the Senate with the leadership of BILL FRIST as our majority leader, and committee chairmen are working together vigorously.

I congratulate the Senator from Virginia for his construction this morning of a very important opportunity for us to think together about the events of the present and likewise our possibilities for the future.

My hope is that the United States of America will continue to lead in forming a global coalition that will combat terrorism in a very effective way.

Terrorists, when armed with weapons of mass destruction, are in a position to create what philosophers would call existential events for countries. By that I mean that weapons of mass destruction in the hands of relatively few people—a rogue state, a sub-national group, or maybe even a small terrorist cell—are capable of obliterating large cities, killing hundreds of thousands of people, and creating panic in entire countries. One terrorist attack with a weapon of mass destruction has the potential to create such dislocations in the economy of a country that recovery could take decades. This existential threat from terrorism is a new condition for the world that requires changes in our policy priorities. All nations do not understand this with the same precision that the United States and our leadership does. All nations have not been attacked in the same manner we have been.

For some members of our body politic, the September 11 attacks were a wake-up call, but it was a call that has been heard. When President Bush and his strategists put forward a response, it was supported by the vast majority of the American people. We knew that the hijackers were from the al-Qaida group. We knew there were al-Qaida terrorists in Afghanistan who had been

in training camps. We knew that the Afghanistan Government, under the Taliban regime, had been hospitable to terrorists.

We asked the Taliban regime in Afghanistan to turn over the terrorists. They were unwilling to do so. As a result, our country led an international effort in Afghanistan to root out the terrorists. As President Bush has pointed out, we pursued this mission in the most careful and humane way with regard to innocent civilians in that country. We sought to find one by one the individuals who were perpetrating not only deeds in the United States of America, but a long string of terrorist atrocities over the previous decade.

The military action that occurred there had the support of our NATO allies.

It had the support of many countries that understood immediately the problems terrorism in the world presents. For example, President Putin of Russia and President Bush were on the phone both voicing mutual support. I mention that particular call because in the past 2 days the Senate has had extensive debate on the Moscow Treaty. This debate had significance for our global position and for an important relationship that has been changing for the better, and which must continue to improve.

One reason for discussing the Moscow Treaty at this particular point in the life of the Senate was because the Senate is deeply engaged in world affairs, in foreign policy, in defense policy, and deeply concerned about our relationship with Russia. The participation of Russia in the war against terrorism is vital. Even at this moment, President Bush and Secretary of State Powell are working with the Russians to come to a somber understanding of what our mutual obligations are with regard to weapons of mass destruction in Iraq and in North Korea and, for that matter, everywhere.

These are important conversations. The President of the United States in his news conference last night, talked about this vigorous diplomacy. Our President has been reaching out to world leaders on the phone. He has been active in attempting to make certain that all nations understand the gravity of danger to each one of us and how much the community of nations depend upon the actions of the Security Council and those who take leadership in the United Nations. These are extremely important days for diplomacy. They are critical days for the success of the Security Council and the United Nations.

In the Senate, we have understood this in our committees. Chairman WARNER pointed out already the extraordinary number of hearings in the Armed Services Committee and the specific ways in which the problems of Iraq have been addressed by his committee. I congratulate the chairman and his committee.

Likewise, Senator STEVENS has mentioned this morning the extraordinary

amount of work that occurs in all of the subcommittees on appropriations, but especially those that are dealing with our national security. In the Foreign Relations Committee we have had hearings almost daily on Iraq, on North Korea, on Afghanistan.

Last week, the President of Afghanistan, President Karzai, was before our committee making a personal appeal for the kind of support that he hopes will be forthcoming from not only the United States, but also from the European countries and from nations in his neighborhood. Democracy must succeed in Afghanistan, as we hope that it will in Iraq, and as we hope that it will in all countries of the Middle East. Aspirations for freedom can be fulfilled if democratic institutions are built.

This is what the coalition against terrorism is about. Clearly, we are concerned with the threats from Iraq, but we also want the coalition to understand the role of expanding freedom. The future is a great one for people who have freedom, but at this particular moment terrorists would deny all of us the opportunity to have freedom.

Last evening President Bush indicated that Saddam Hussein has the ability and opportunity to surrender the weapons of mass destruction that were cataloged by the United Nations in 1998 and 1999 and are still in Iraq. Resolution 1441, adopted unanimously by the Security Council of the United Nations, said to Saddam Hussein: This is your last chance. Disarm or show evidence you have disarmed.

Each of the succeeding reports from the inspectors have indicated that Iraq has minimally cooperated in allowing inspectors to go to various sites, but the Iraqi regime obviously has been very reluctant to show evidence of disarmament or, in fact, to disarm. Even the Iraqi missiles possessing an illegal range, which are an undisputed and tangible violation, are being surrendered only gradually in the most resistant manner possible.

There are reports in the American press of destruction of a few of these, but in the Iraqi press, or at least among people in that country, there is no word of this. In part, it is supposed that Saddam would be embarrassed by the disclosure that he has been found out and is disarming at all.

I mention all of this because these are fateful days in bringing together a coalition, hopefully of the Security Council—absent that, a coalition of the willing—that knows the war against terrorism can only be won if weapons of mass destruction in the hands of aggressive dictators are destroyed. Our President has said as the bottom line, Saddam will be disarmed. In the aftermath of that event, we will have a great deal of work to do in this body.

There are expenses involved in disarming Saddam. I think every one of us, as committee chairmen, as Senators, have been up front with our people. We know this is costly and we

know our Armed Forces are at risk. We know a lot of things are at risk. One thing that must not be at risk, however, is the movement to build a greater coalition in the war against terrorism.

I will now speak specifically about the fact that in the Foreign Relations Committee, starting March 25, we will be having hearings on ratification of the NATO treaty of enlargement. The occupant of the chair will recall that a fairly short time ago, seven nations were invited into NATO membership. They have been busy fulfilling the requirements that came with that invitation. They include the Baltic States, as well as Romania, Bulgaria, Slovenia and Slovakia. I will suggest that the hearings on NATO enlargement will, in fact, fulfill an even a greater purpose. We will have an opportunity to discuss the importance of each of the countries in NATO and the historical importance of America and Canada reaching across the Atlantic for over 50 years and working with European friends to guarantee peace on a continent which has known no peace in any 50-year period in the last millennium.

This is the reason that European countries have sought NATO membership. They have wanted to be in a Europe whole and free. They have talked freely about obligations out of area. They are eager to participate in the war against terrorism. They want to be strong friends of the United States of America and manifest that every day. That is something to celebrate. We will do so as we discuss NATO.

But as we discuss NATO, we will also discuss its future, which must be a very strong future. My prayer is that all of our NATO allies will be with us in the event Saddam Hussein does not disarm. I hope that in the event NATO allies are not with us on that particular day, they will get their soon. All of our friends are going to be needed as we think about the future of Iraq and work with the people of that country for the building of democratic institutions.

I hope we are all prepared for vigorous activity in Afghanistan to ensure the success of that state. I hope that we will sustain a partnership with Afghanistan that will inspire confidence throughout the world in our commitment to freedom.

I conclude simply by saying that the President is offering strong leadership and I support him. I am prepared to work with the President in pursuit of all the objectives he has in the days and months ahead. I know from the words of the President that he foresees a future that is filled with complexity, but one that also is filled with promise for our country and for others that share our vision.

Therefore, we should face this day with optimism because we have a plan for a future that looks brighter than the future did on September 11, 2001. On that date we discovered that the oceans did not guarantee our safety,

that we were vulnerable, that Americans were dying, that our most cherished landmarks—including this Capitol—were at risk. And I suspect each of us prudently understands that this is still the case. But rather than going into a situation of panic, as resolute Americans, we found leadership with President Bush and new reservoirs of strength within ourselves. This is a place of resolute activity in each of our committees and on the floor of the Senate in discussing the most basic foreign policy and defense issues of our time, doing so with intelligence, with optimism, and likewise, with an ability to listen to each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am very grateful for the services of our distinguished colleague from Indiana and his long experience in the Senate and now having risen to new heights in his distinguished career as chairman of the Foreign Relations Committee.

I have also enjoyed a very warm and strong relationship with my colleague through the years. He is too modest to talk about it, but he served in the U.S. Navy in a position as adviser on foreign policy to the then-Chief of Naval Operations, Admiral Burke. He watched many of the key issues on the world scene unfold.

I made reference to the Chamberlain speech that we will have peace in our time. I addressed this colloquy to Senator STEVENS who, like me, lived through that era. I wonder if the Senator might have some comments on it. It is so appropriate that the world be reminded that there have been parallels in history where we have been faced with the rise of a dictator, and the dictator possessed vast arsenals of weapons and had a proven track record of having used the weapons against other people and other nations, and how this is the time for the strongest leadership, which I believe is being offered by our friend. It is being offered by the Prime Minister of Great Britain.

How severely we regret the leadership of France and Germany, certainly nations venerable in history, having lived through so many periods of turbulence on that continent, cannot recognize today the parallels of years past. I wonder if the Senator might have a viewpoint on that, particularly with reference to France.

Mr. LUGAR. I respond to the distinguished Senator from Virginia, who, likewise, distinguished himself as Secretary of the Navy at another time in his career. The Senator clearly has seen parallels at various times.

Historically the path for the United States, France, and Germany was not always easy during the Cold War period. The potential for hostilities with the old Soviet Union tested us many times. I can recall, as can the Senator, when Helmut Schmidt went to London in 1979, and came forward with a very bold statement. He said that if the So-

viet Union did not withdraw medium-range missiles that were aimed at Europe, then NATO must put missiles on European soil to counteract them. The Russians perhaps predictably, moved their missiles forward and indicated in an intimidating way that they might be prepared to take action sooner, rather than later, against Europe.

There were rallies throughout Europe, with people saying, "better red than dead." All the major capitals had frequent marches with people claiming peace is what they wanted, but also with some admitting that they would be prepared to live under communism as opposed to having the proper military preparation to combat and deter communism.

In those days the stepping forward of Prime Minister Kohl was critical. Germany came forward and said you can put Pershing missiles on our soil, and so did the Italians.

I cite that event because it was an important and courageous step in a time of great uncertainty and fear. It led, ultimately, to President Bush, the father of our current President, committing America to German unification well before Great Britain, well before France. And Germans understand that. That was the basis upon which the unification of the country came.

Now, from time to time, the French have been extraordinarily helpful, and I think we need to remember that they have participated in many critical NATO policies and operations. They have asked us to step forward specifically in Bosnia where they believed they had a history, as did Germany, that they simply could not overcome.

I mention all these things off the top of the head because they are important, as ways in which we have worked together when there were urgent mutual problems. NATO has not been a hollow alliance. It has been central to the security of Europe and our nation.

On this floor we debated the INF Treaty which provided that all intermediate-range missiles come down, every one of them, on both sides. This happened only because of the strength of the alliance and our mutual action. That is what we ask of our friends now, that they remember that fairly recent history of our solidarity against tyranny. And they understand that terrorism could hit them. The war against terrorism is not just the United States versus al-Qaida. Terrorists could just as well level the Brandenburg Gate or the Eiffel Tower or symbols that are important quite apart from the human losses of those who got in harm's way.

Mr. WARNER. Mr. President, I thank my colleague. If I might bring another issue to the forefront on which he has a great deal of experience? As this debate is taking place in the Senate Chamber this morning, Hans Blix presumably is addressing the Security Council. I, frankly, think that the inspection process under his leadership—they have tried and tried hard. What the world fails to realize is that Saddam Hussein, having observed the first

inspection process, has carefully made his infrastructure, which has gone on creating the weapons of mass destruction, be they biological, chemical, or indeed his vigorous efforts to acquire a nuclear capability. They have gone right on throughout this entire period of time. And they have been constructed in such a way that they are moveable. He did that recognizing that at some point in time another inspection regime could be imposed upon him by the United Nations, as was done with Resolution 1441.

I think the inspectors have tried. They have unearthed very little. They have not received the cooperation from Saddam Hussein that was the predicate on which Resolution 1441 was adopted. It simply said you are to cooperate, the inspectors to verify and destroy. But in reality the inspectors have been converted to a group trying to search out, given the failure of cooperation, where these weapons might be located.

I will discuss later this morning a letter I received yesterday from the Central Intelligence Agency, under the signature of George Tenet, responding to the cooperation that our country has given the inspection efforts of Hans Blix, by virtue of sharing the intelligence information we had with regard to the location of probable caches of these weapons.

In fact, it has not borne out to be very fruitful because of Saddam Hussein's skill of moving these caches, of moving the infrastructure of manufacturing in such a manner that they cannot be detected and discovered without his cooperation, which he has steadfastly refused to give. Our President addressed that issue last night.

I wonder if my colleague would comment a little bit on the inspection process. As we are speaking, Blix is giving his most recent report. As you know, there are statements to the effect, from other nations, that perhaps the period of time should be extended. The President last night, when confronted with those questions, simply said, as I think he should and very properly said: Time will tell.

I invite the Senator's observations.

Mr. LUGAR. I thank the Senator for his inquiry. The Senator is correct, times have changed with regard to inspection. Let me offer as an anecdote the Russian facility at Pokrov. This situation is not well known, but it is an agricultural chemical station. Pokrov is an example of the problems which confront Hans Blix and the inspectors.

As I and others went there at the invitation of Russians, we looked around at a rather desolate-looking place with run-down buildings. We were led to a room in which people were making shampoo. They were using stainless steel equipment. I would say, without two Russians at my side, I would have had no idea about the history of that room, quite apart from the facility. But they pointed out that just months before, anthrax was produced in the

same machinery. This is dual use in a dramatic way. Equipment used for biological weapons had been easily converted to producing a commercial product. Likewise on this premise, but clearly not within view, were stores of anthrax. In fact, on the third floor of another building they had been making anthrax. In another building, they had been making dual-use materials for agricultural livestock. One was to produce antidotes so they could protect, they thought, the Russian livestock. The other use was to produce toxins, deadly toxins, out of 14 serums that were in vials in a room, in an ice-box, that could kill all the livestock in the United States.

My point is that we would have been clueless without those who could give us a 25-year history of the activities at Pokrov. All of it could have been completely hidden. There was not a ghost of a chance an inspector would find anything there in years, quite apart from months.

These are old facilities. Saddam Hussein, and others, have gone to school on dual use. Therefore I simply say, as the chairman already knows, the production of chemical weapons is clearly enveloped in dual use. There is not a ghost of a chance you will find a scintilla of it unless Iraq wants you to find it.

Regarding the biological situation, as Secretary Powell already pointed out in his public address at the U.N., the Iraqis are able to break down all the equipment, put it in vans and cart it down the road 200 miles. Unless the inspector is clued in that this particular van out of all the vans in Iraq has a biological laboratory in it, there is not a chance, zero, of finding anything there.

This is the reason why the inspection business is at best a holding action. Those who argue in favor say: After all, with all those inspectors there, with all of the press following them out every day, surely Saddam Hussein cannot now be producing a whole lot.

But that doesn't solve the problem of what is there, detailed by the U.N., after all these years. Nor does it solve the problem of the intellectual inquiry of scientists who even as we speak are working on new formulations. They don't need huge factories and installations visible from the air. They need only the necessary scientific knowledge and, ultimately, fissile material from somewhere else to get the bomb. And each intelligence report that we have all seen—those now made public—say Iraq may be a year, 2 years, 3 years from making a nuclear weapon. But there is always the footnote: If they get the fissile material from somewhere else—it will take far less time.

That is the basis on which our President has to say the security of the American people is at stake. This is not a speculative business for we all know fissile material exists in the world, a lot of it in Russia. A lot of it is still not pinned down by the cooperative threat reduction program or any-

thing else. That is a tremendous danger, and we all ought to recognize that. It is not going to go away with inspectors.

Mr. WARNER. I thank my distinguished colleague. I guess what both you and I find so perplexing is how responsible world leadership, most particularly France and Germany, which have seen the same facts, have access to basically the same intelligence, and cannot reach those logical conclusions which our President and the Prime Minister of Great Britain have reached.

Mr. LUGAR. We must continue to assist them in reaching those conclusions.

Mr. WARNER. I must say, if I could just ask the indulgence of my colleague, my father served in World War I as a doctor in the U.S. Army in the trenches in France. My most prized possession, I say to my good friend, is on the wall in my Senate office. For these 25 years that I have been here, on that wall hangs this Croix de Guerre awarded him by the French Government for his heroism in the trenches for administering healing to Americans, British, Frenchmen, and Germans. I sometimes thought myself, and when the French ambassador visited my office a few days ago, in a courteous way I pointed it out and I said, you know, I am thinking of taking it down, but perhaps better judgment will prevail in your leadership. And therefore for a while I am going to leave it up, in the hopes that reality can be brought to bear.

I thank my colleague for his time.

I recognize the order entered into at the direction of both the majority and minority leaders of the Senate was that the Senate would proceed this morning on the debate with regard to the worldwide situation on terrorism with an emphasis on Iraq, North Korea, and other areas, and the time under the control of the Senator from Virginia, the time having been equally divided, is rapidly approaching the 2-hour mark which is the halfway.

I see a colleague desiring recognition, but I remind that colleague, who courteously advised me that perhaps the subject matter was not that in the order, but I would have to say the time that he uses would have to be charged to the other side.

I have some maybe 15 minutes remaining under the control of the Senator from Virginia, which I will hold in reserve for such rebuttal as may be required on the issues specifically recited in the order before the Senate.

The PRESIDING OFFICER (Mrs. DOLE). The order before the Senate is for morning business. Those in control of time may choose to speak on any matter they so choose.

Mr. WARNER. I thank the Chair.

AIR POLLUTION AND GLOBAL WARMING

Mr. JEFFORDS. Mr. President, my subject is different but it is similar in

that it talks about loss of lives and possible threats, the apparent and real threats to the people in this country from a different angle but a much more serious one and one that is going to result in many more deaths. I wish to speak on the subject of the threat to lives in the United States of a different and more insidious nature, and in the long run much more costly in human lives as well as health conditions—air pollution and the administration's failure to recognize this threat through adequate pollution controls.

I rise today to draw Senators' attention to the administration's flawed plans on air pollution and global warming. I am pleased to see that the administration has finally revived an interest in dangerous public health and environmental threats like acid rain and smog. They have even acknowledged that climate change could have severe and damaging consequences.

Unfortunately, the administration's solution seems to be little more than a public relations distraction from what is really going on: corporate regulatory relief.

What Americans really need now is relief from air pollution, and swift and serious action to avert global warming. They have a right to breathe air that isn't contaminated by greed. They have a right to full and vigorous implementation of the Clean Air Act. Sadly, the administration has lost sight of these rights.

The devastation caused by dirty air is staggering. As many as 60,000 premature deaths each year are linked to air pollution, according to an American Cancer Society study and researchers at the Harvard School of Public Health.

A study by the respected Abt Associates says that 30,000 of these deaths are due to power plant pollution alone. That is an enormous loss of human potential, and a huge cost to society. There is no good reason to allow such a tragedy to continue unfolding.

This chart illustrates the magnitude of this terrible situation. More people are dying from power plant pollution every year than die from homicides or drunk driving accidents.

With real reductions in air pollution, such as those in S. 366, the Clean Power Act of 2003, which I introduced almost 3 weeks ago with Senators COLLINS, LIEBERMAN and 17 others, we can save two-thirds of those lives.

This benefit is reflected on the right side of the chart.

The Abt Associates report also says that power plants are responsible for the following statistics each year: 20,000 hospitalizations; 600,000 asthma attacks; 19,000 cases of chronic bronchitis; and 5 million lost work days due to illness.

Fine particulate matter is a serious form of air pollution that poses an especially severe health threat. Fine particles result from the interaction of water vapor with sulfur dioxide and nitrogen oxide emissions.

Most of these pollutants come from power plants. These tiny particles reach easily into the deepest depths of the human lungs.

A host of scientific studies have linked particulate matter with a barrage of health problems.

I ask unanimous consent that a representative list of such studies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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Mr. JEFFORDS. Mr. President, when these tiny particles get deep into the lungs, they can lead to premature death, as well as health problems like: heart and lung disease; aggravated asthma; acute respiratory symptoms; chronic bronchitis; decreased lung function; and even lung cancer.

There is even evidence that this pollution causes an increased incidence of low birth rate and infant mortality. Sensitive populations like children, asthmatics, and the elderly are at particular risk of health damage.

Power plant emissions of nitrogen oxides and emissions from mobile sources contribute to the formation of ground-level ozone as well. This is another serious threat that scientists increasingly believe to be a chronic health problem, not just one that poses acute risks.

Recently, respected scientists from the University of Southern California School of Medicine, and elsewhere published an important asthma study.

They found that children in communities with high average ozone levels who compete in three or more team sports have a three-to-four-times higher risk of developing asthma than non-athletic kids. They have three times the normal expectations of illness than nonathletic kids. This is because athletes get a higher dose of pollutants to the lung, and because they breathe rapidly and deeply.

We should listen to these and other scientific findings, and take to heart the suffering that many Americans experience due to air pollution. Power plants are a major culprit. It is our duty as lawmakers to do something now to curb these dangerous emissions and protect public health.

While the Clean Air Act has been successful in removing millions of tons of particulate-forming emissions from our air, it has not gone far enough, and these health problems remain. Plus, there are major signs that this administration is slowing down implementation and enforcement of the act. This delays its benefits and increases human health damage.

Air pollution causes significant harm to our natural environment as well. Sulfur dioxide and nitrogen oxides—emitted mainly from fossil fuel combustion—eventually fall to earth as acid.

Acid rain washes vital minerals out of the soil, weakens the health of trees, lowers the pH of water bodies, and leaches aluminum into lakes where fish slowly suffocate from the lack of oxygen. A stunning 41 percent of lakes in the Adirondacks are acidified.

A 1996 EPA report admitted that the Acid Rain Program of the present Clean Air Act could only slow the rate of ecosystem damage that, despite this

program, more lakes would die. Acid rain scientist Dr. Gene Likens has said:

We still have a very major problem with acid rain. That is scientific fact. In that regard, the 1990 Clean Air Act Amendments have not worked very well.

An important new study by researchers at the University of Vermont confirms that the acid rain problem is far worse than previously thought. Tightening sulfur emissions further—combined with strict, new controls in nitrogen emissions—would help restore our forests, lakes, and streams.

The Hubbard Brook Research Foundation knows what is required to ensure biological recovery from acid rain by mid-century in the northeastern U.S. They say we must reduce utility sulfur dioxide emissions by 80 percent beyond what is currently required in the year 2010. It is clearly time to act.

Current air pollution levels are also hindering visibility at our majestic National Parks. Chronic air pollution continues to envelop the Great Smoky Mountains, Acadia National Park, Shenandoah, and other sites in a blanket of haze.

This not only costs regions vital tourism dollars, but endangers the health of park visitors, plants, and wildlife.

Air emissions of mercury cause severe health effects as well. Mercury is a potent nervous system toxic. After being emitted into the air, it falls into lakes and streams. Mercury then bioaccumulates in fish and animal tissue, taking on a highly toxic form.

Eating contaminated fish can cause serious nervous system impairment, especially to a pregnant mother's developing fetus, or to a young child.

According to the Centers for Disease Control and Prevention, 1 in 12 women of childbearing age in the U.S. have mercury levels above those considered protective of newborns by the EPA. That means as many as 390,000 children are born each year at risk of developmental problems.

We have such a widespread mercury contamination problem in our country that 41 States currently post fish consumption warnings.

Power plants, especially coal-fired utilities, emit the bulk of uncontrolled mercury emissions in the U.S. Yet the technology exists today to save lives. As James Willis, Director of the UN Environment Programme 2003 Global Mercury Assessment, states:

There are technologies available already which will reduce mercury emissions from power stations by about 80% . . . what we can do now is often cheap—and it can cut other pollutants as well.

I have highlighted some of the ways in which air emissions of sulfur dioxide, nitrogen oxides, and mercury—especially from power plants—threaten the health and safety of millions of Americans and the natural environment. But I am afraid to say that Americans may face an even greater long-term threat from greenhouse gas pollution.

Carbon dioxide is the most significant greenhouse gas emitted as a result of human activities. The National Academy of Sciences faults fossil fuel combustion with causing most of the global warming problem. In fact, fossil fuel-burning power plants are responsible for 37 percent of all U.S. carbon dioxide emissions.

The U.S. made a commitment under the United Nations Framework Convention on Climate Change to adopt voluntary measures to reduce greenhouse gas emissions to 1990 levels. But despite this goal, emissions from the power sector have grown steadily and are now 20 percent above those levels.

Our world has already seen about one degree of warming in the last century. The NAS and the Intergovernmental Panel on Climate Change generally agree that the Earth will warm another 2.5 to 10 degrees Fahrenheit over the next 100 years. This could cause significant, abrupt climate changes, as well as threaten our public health, the economic infrastructure, and many ecosystems.

The President's own Climate Action Report says, "the best scientific information indicates that if greenhouse gas concentrations continue to increase, changes are likely to occur."

Global warming is expected to have wide-reaching and mostly negative impacts on human health. We are likely to see direct impacts like death and illness due to heat stress and extreme weather. We are also likely to see indirect impacts from worsened air pollution and allergens, and increases in the occurrence and transmission of diseases like malaria and, perhaps, West Nile Virus.

We have already seen a dramatic number of heat-related deaths since the 1980s. A 1980 heat wave in the U.S. resulted in 1,700 deaths, while those in 1983 and 1988 killed around 500 people each. Also, we all remember the deadly heat wave of 1995 that killed 765 people in Chicago alone. That is what we are looking towards if we continue to allow the carbon to accumulate.

These numbers are much too high, and they are only going to get higher if the climate models are right. Experts predict that in cities such as New York, Philadelphia, Cleveland, and Los Angeles, heat-related deaths could increase 100 percent.

According to EPA and others, sea-level rise from global warming will bring on another set of consequences. Sea level is predicted to rise by one foot in the next 20 to 50 years. In the next 100 years, a two-foot rise is most likely, and a four-foot rise is possible.

To put this in perspective, the EPA says that simply raising existing bulkheads and sea walls along the Manhattan shoreline alone to help protect it from a one to three-foot rise would cost up to \$140 million.

According to the Pew Center on Global Climate Change, a 20-inch sea level rise could have significant cumulative impacts on coastal property in the U.S.

These impacts could range from about \$20 billion to about \$150 billion by the year 2100.

The environmental impacts of sea level rise would be devastating as well. Nationwide, a two-foot rise in sea level could inundate 17 to 43 percent of U.S. wetlands, and could eliminate a total of 10,000 square miles of wet and dry land in our country. I do not want to see that happen.

Because of global warming, our forests will see dramatic changes as well. A 3.6 degree Fahrenheit warming could shift many North American forest species 200 miles north.

Given the likely time frame for this warming, these tree species would have to migrate about two miles every year to stay viable.

This poses a grave threat to my State's maple syrup industry, since about half of the hardwood species like maple will disappear. I do not want to see this happen either.

A recent article in the journal *Nature* shows there is strong new evidence of global warming impacts on animal and plant worlds. Researchers say that as many as 677 species are already reacting to global warming by adjusting their range northward in search of cooler temperatures, or breeding earlier in the spring in response to warmer temperatures.

A recent study by the American Bird Conservancy and the National Wildlife Federation reports that some birds like the Baltimore Oriole may completely disappear from their home States. The Nation's 63 million birdwatchers will likely be frustrated by the coming changes in bird habitat.

Also, the EPA has predicted that even a modest warming would eliminate nearly 90 percent of Idaho habitat for the majestic grizzly bear, which will likely have impacts on Yellowstone tourism income.

Even the Iditarod Trail Sled Dog Race is running into problems because of global warming. Unseasonably warm temperatures have meant that the race will have to take detours for the first time in its history. Much of the snow has melted. The Alaskan route is now marred by bare ground and open rivers.

Alaska's global warming problems made the news last year as well. As you can see in this poster, a New York Times news story from June illustrated that in Alaska, climate change is a stark reality, not an abstraction. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 16, 2002]
ALASKA, NO LONGER SO FRIGID, STARTS TO
CRACK, BURN AND SAG
(By Timothy Egan)

To live in Alaska when the average temperature has risen about seven degrees over the last 30 years means learning to cope with a landscape that can sink, catch fire or break apart in the turn of a season.

In the village of Shishmaref, on the Chukchi Sea just south of the Arctic Circle,

it means high water eating away so many houses and buildings that people will vote next month on moving the entire village inland.

In the Barrow, the northernmost city of North America, it means coping with mosquitoes in a place where they once were nonexistent, and rescuing hunters trapped on breakaway ice at a time of year when such things once were unheard of.

From Fairbanks to the north, where wildfires have been burning off and on since mid-May, it means living with hydraulic jacks to keep houses from slouching and buckling on foundations that used to be frozen all year. Permafrost, they say, is no longer permanent.

Here on the Kenai Peninsula, a recreation wonderland a few hours' drive from Anchorage, it means living in a four-million-acre spruce forest that has been killed by beetles, the largest loss of trees to insects ever recorded in North America, federal officials say. Government scientists tied the event to rising temperatures, which allow the beetles to reproduce at twice their normal rate.

In Alaska, rising temperatures, whether caused by greenhouse gas emissions or nature in a prolonged mood swing, are not a topic of debate or an abstraction. Mean temperatures have risen by 5 degrees in summer and 10 degrees in winter since the 1970's, federal officials say.

While President Bush was dismissive of a report the government recently released on how global warming will affect the nation, the leading Republican in this state, Senator Ted Stevens, says that no place is experiencing more startling change from rising temperatures than Alaska.

Among the consequences, Senator Stevens says, are sagging roads, crumbling villages, dead forests, catastrophic fires and possible disruption of marine wildlife.

These problems will cost Alaska hundreds of millions of dollars, he said.

"Alaska is harder hit by global climate change than any place in the world," Senator Stevens said.

Scientists have been charting shrinking glaciers and warming seas in Alaska for some time. But only recently have experts started to focus on what the warming means to the people who live in Alaska.

The social costs of higher temperatures have been mostly negative, people here say. The Bush administration report, which was drafted by the Environmental Protection Agency, also found few positives to Alaska's thermal rise. But it said climate change would bring a longer growing season and open ice-free seas in the Arctic for shipping.

"There can no longer be any doubt that major changes in the climate have occurred in recent decades in the region, with visible and measurable consequences," the government concluded in the report to the United Nations last month.

It does not take much to find those consequences in a state with 40 percent of the nation's surface water and 63 percent of its wetlands.

Here on the Kenai Peninsula, a forest nearly twice the size of Yellowstone National Park is in the last phases of a graphic death. Century-old spruce trees stand silvered and cinnamon-colored as they bleed sap.

A sign at Anchor River Recreation Area near this little town poses a question many tourists have been asking, "What's up with all the dead spruce trees on the Kenai Peninsula?" The population of spruce bark beetles, which have long fed on these evergreen trees, exploded as temperatures rose, foresters now say.

Throughout the Kenai, people are clearing some of the 38 million dead trees, answering the call from officials to create a "defensible

space" around houses for fire protection. Last year, two major fires occurred on this peninsula, and this year, with temperatures in the 80's in mid-May, officials say fire is imminent. "It's just a matter of time before we have a very large, possibly catastrophic forest fire," said Ed Holsten, a scientist with the Forest Service.

Joe Perletti, who lives in Kasilof in the Kenai Peninsula, has rented a bulldozer to clear dead trees from the 10 acres where he lives.

"It's scary what's going on," Mr. Perletti said. "I never realized the extent of global warming, but we're living it now. I worry about how it will affect my children."

Mr. Perletti, an insurance agent, said some insurers no longer sold fire policies to Kenai Peninsula homeowners in some areas surrounded by dead spruce.

Another homeowner, Larry Rude, has cut down a few trees but has decided to take his chances at the house he owns near Anchor Point. Mr. Rude says he no longer recognizes Alaska weather.

"This year, we had a real quick melt of the snow, and it seemed like it was just one week between snowmobiling in the mountains and riding around in the boat in shirt-sleeve weather," Mr. Rude said.

Other forests, farther north, appear to be sinking or drowning as melting permafrost forces water up. Alaskans have taken to calling the phenomenon "drunken trees."

For villages that hug the shores of the Bering, Chukchi and Beaufort Seas, melting ice is the enemy. Sea ice off the Alaskan coast has retreated by 14 percent since 1978, and thinned by 40 percent since the mid-1960's, the federal report says. Climate models predict that Alaska temperatures will continue to rise over this century, by up to 18 degrees.

Kivalina, a town battered by sea storms that erode the ground beneath houses, will have to move soon, residents say. Senator Stevens said it would cost \$102 million, or \$250,000 for each of the 400 residents.

The communities of Shishmaref, Point Hope and Barrow face a similar fate. Scientists say the melting ice brings more wave action, which gnaws away at ground that used to be frozen for most of the year.

Shishmaref, on a barrier island near the Bering Strait, is fast losing the battle to rising seas and crumbling ground. As the July 19 vote on whether to move approaches, residents say they have no choice.

"I'm pretty sure the vote is going to be to move," Lucy Eningowuk of Shishmaref said. "There's hardly any land left here anymore."

Barrow, the biggest of the far northern native villages with 4,600 people, has not only had beach erosion, but early ice breakup. Hunters have been stranded at sea, and others have been forced to go far beyond the usual hunting grounds to find seals, walrus and other animals.

"To us living on the Arctic coastline, sea ice is our lifeline," Caleb Pungowigi testified recently before a Senate committee. "The long-term trend is very scary."

A 20-year resident of Barrow, Glenn Sheehan, says it seems to be on a fast-forward course of climate change.

"Mosquitoes, erosion, breakup of the sea ice, and our sewage and clean-water system, which is threatened by erosion as well," he said. "We could be going from a \$28 million dollar sewage system that was considered an engineering model to honey buckets—your basic portable outhouses."

The people who manage the state's largest piece of infrastructure—the 800 mile-long Trans-Alaska Pipeline—have also had to adjust to rising temperatures. Engineers responsible for the pipeline, which carries about a million barrels of oil a day and gen-

erates 17 percent of the nation's oil production, have grown increasingly concerned that melting permafrost could make unstable the 400 or so miles of pipeline above ground. As a result, new supports have been put in, some moored more than 70-feet underground.

"We're not going to let global warming sneak up on us," said Curtis Thomas, a spokesman for the Alyeska Pipeline Service Company, which runs the pipeline. "If we see leaning and sagging, we move on it."

North of Fairbanks, roads have buckled, telephone poles have started to tilt, and homeowners have learned to live in houses that are more than a few bubbles off plumb. Everyone, it seems, has a story.

"We've had so many strange events, things are so different than they used to be, that I think most Alaskans now believe something profound is going on," said Dr. Glenn Juday, an authority on climate change at the University of Alaska at Fairbanks. "We're experiencing indisputable climate warming. The positive changes from this take a long time, but the negative changes are happening real fast."

Mr. JEFFORDS. Cities in Alaska are having to cope with mosquitoes where they once did not exist. Hunters are being trapped on break-away ice. Houses are sinking due to slouching and buckling permafrost.

Mean temperatures in Alaska have risen by five degrees since the 1970s. That is an extremely rapid rate of change, and I am afraid Alaska is somewhat of a testing ground for what is yet to come around the globe.

These are just some of the environmental and economic consequences of global warming that may affect our country and our people. My colleagues can imagine the potential harm that less developed economies will face.

I have spoken now in some detail about the ways in which our serious air pollution and global warming problems threaten public and environmental health, as well as economic prosperity.

I have shown how millions of people suffer the ill effects of particulate pollution and mercury contamination. I have explained how acid rain continues to strip our beautiful forests of vegetation, leach nutrients out of our once-rich soils, and suffocates many of our lakes and streams.

It is time now to take a look at what our administration is doing to relieve Americans from these costly burdens.

Over the last few months, I have joined my colleagues from both sides of the aisle to speak out in defense of a vital Clean Air Act program called New Source Review, or NSR. NSR plays a crucial role in ridding our air of some of industry's most harmful air emissions, and it results in hundreds of millions of dollars in health-related benefits.

However, the administration has chosen to ignore public health concerns and side with industry. These new NSR rules will make it much easier for polluters to send even more poison into our air.

The administration tells us not to worry about these so-called NSR "reforms"—that any holes left in clean air protections will be patched up by another proposal that was reintroduced

in Congress last week, called Clear Skies. I am afraid Clear Skies will not provide such a safety net.

In fact, a look at the fine print shows that Clear Skies actually provides less protection—less protection—than existing law. More importantly, it will not do enough to address this country's already significant air pollution problem.

Unlike the new NSR changes, which affect all major sources of air pollution, Clear Skies only addresses some of the air pollution coming from one source—powerplants. So purging broad NSR protections while promoting a narrower proposal doesn't make any sense.

Plus, Clear Skies will eliminate important Clean Air Act programs that protect local air quality, not supplement them. For utilities, Clear Skies will strip the Clean Air Act of the Mercury Air Toxics Rule and the Regional Haze Rule.

And, while the administration's new NSR rule could allow 50 percent of all sources to avoid environmental review, Clear Skies will give powerplants even greater exemptions.

Clear Skies will also degrade the ability of States to pursue interstate air pollution problems, and will prevent evolution of tougher New Source Performance Standards.

As you can see from this chart beside me, the true result of Clear Skies will be less protection and more pollution than business as usual.

In the chart, blue, gray, and red bars represent the so-called Clear Skies reduction plan for sulfur, nitrogen, and mercury emissions, respectively. But take a look at the yellow bars. These yellow bars represent where we would already be headed with full and faithful implementation of the present, existing Clean Air Act. We are not even doing that under this administration.

In other words, the administration's plan allows more pollution. It is a serious weakening of current programs. In fact, Clear Skies will result in hundreds of thousands of tons more emissions than full implementation of these and other Clean Air Act programs.

According to EPA's own estimates, by the year 2010—Clear Skies would allow 125 percent more sulfur dioxide, 60 percent more nitrogen oxides, and 420 percent—420 percent—more mercury pollution than enforcement of current law. Total carbon dioxide emissions would continue to grow by leaps and bounds, despite the administration's goal of reduced emission intensity.

I ask my colleagues to be wary of the administration's proclamations about the benefits of Clear Skies. While they tout reductions of 70 percent for sulfur, nitrogen, and mercury emissions, they are actually using outdated information to arrive at these numbers. Real reductions in 2010 from the year 2000 would be only 60 percent for SO_x and NO_x, and 46 percent for mercury.

Clear Skies will also push compliance deadlines out further into the future

than present law, by as much as 10 years. Compared to the Clean Air Act, emission reductions would occur 8 years later for nitrogen, 6 years later for sulfur, and 10 years later for mercury.

This delay would result in thousands of additional asthma attacks, hospitalizations, and deaths.

To be more specific, EPA's own data shows that full implementation of the Clean Air Act will result in approxi-

mately 200,000 avoided deaths from air pollution. The Administration's Clear Skies rollback, on the other hand, will allow 100,000 of those lives to end prematurely—100,000 lives prematurely.

Approaches such as the Jeffords-Colins-Lieberman Clean Power Act are what we need to save these lives.

Our bill would surpass the Clean Air Act in saving as many as 250,000 lives—150,000 more lives saved than the Bush Clear Skies plan.

Our bill will also result in benefits of \$100 billion more per year in health and visibility improvements than the Clear Skies plan.

I ask unanimous consent that a table illustrating the differences between these three approaches be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARING THE CLEAN AIR ACT, CLEAN POWER ACT, AND "CLEAR SKIES"

	Clean Air Act ¹	Clean Power Act ²	"Clear Skies"
SO ₂ :			
Total emissions (cap)	2 mil tons (2012)	2.2 mil tons (2009)	4.5 mil tons (2010)
Percent reduction from 2000	82%	81%	60%
NO _x :			
Total emissions (cap)	1.25 mil tons (2010) ³	1.51 mil tons (2009)	2.1 mil tons (2008)
Percent reduction from 2000	76%	71%	60%
Hg:			
Total emissions (cap)	5 tons (2008)	5 tons (2008)	26 tons (2010)
Percent reduction from 1999	90%	90%	46%
CO ₂ :			
Total emissions (cap)	Business as usual:	2 bil tons (2009)	Business as usual:
Percent change from 2000	3.5 bil tons (no cap)	21% decrease	3.5 bil tons (no cap)
Lives saved (from PM reductions):	46% increase in 2018		46% increase in 2018
Total lives by 2020	190,000–238,000	210,000–250,000	74,000–102,000
Nonattainment areas:			
PM 2.5	190,000–238,000	210,000–250,000	74,000–102,000
Ozone (8-hour NAAQS)	prior to imp of new PM std:	2010: <23 (eastern)	2020: 46 (national)
Health and visibility benefits/yr:	2020: 100 (national)	2010: <28 (eastern)	2020: 33 (national)
From SO ₂ and NO _x cuts (incremental)	2020: 41 (national)		
Costs/year (incremental)	N/A	At least \$184 billion/yr	\$11–96 billion/yr
		\$6–22 billion/yr	\$4–6.5 billion/yr

¹ The Clean Air Act column assumes full implementation of current Clean Air Act programs, not including the Bush Administration's recent rulemakings.

² The Clean Power Act also assumes full implementation of current Clean Air Act programs, including vigorous enforcement of, and continued maintenance of, the New Source Review program, the NAAQS, Regional Haze Rule, Mercury Air Toxics Rule, and others. It would ensure achievement of reductions from those programs.

³ Subject to stringent new rulemaking by the EPA.

Notes.—These are EPW Committee staff estimates, based on latest available data from EPA (2/12/2003).

NO_x and SO₂ 2000 levels from 2000 EPA Air Trends report. See <http://www.epa.gov/ttn/chief/trends/trends00/trends2000>.

Mercury 1999 levels from EPA, "Emissions of Mercury by State (1999)." Data from coal-fired power plants only. See <http://www.epa.gov/ttn/atw/combust/utiltox/stxstate2.pdf>.

CO₂ 2000 levels from EPA's "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2000," April, 2002. See <http://yosemite.epa.gov/oar/globalwarming.nsf/content/ResourceCenterPublicationsGHGEmissions.html>.

CAA caps: EPA, "Discussion of Multi-Pollutant Strategy," meeting with the Edison Electric Institute, September 18, 2001. EPA's analysis compares the "straw" proposal for power plant cleanup with the level of cleanup that would occur if existing Clean Air Act programs were fully implemented.

Lives for CAA, CPA, and CSI: EPA modeling runs, July, 2002.

Nonattainment for CAA: "Existing programs" on the Clear Skies website. See <http://www.epa.gov/air/clearskies/benefits.html>.

Nonattainment for CPA: Upper bound represents EPA's Straw proposal in 2020, which CPA would surpass in nonattainment benefits, in 2009. No national-level estimates exist for Straw or CPA nonattainment.

Nonattainment for CSI: Clear Skies website, <http://www.epa.gov/air/clearskies/benefits.html>. Clear Skies nonattainment includes some existing programs (e.g., Title IV, NO_x SIP Call, some state NO_x reductions).

Benefits and costs for CAA: Not available. No up-to-date and reliable analysis of the benefits and costs of current and planned Clean Air Act programs exists.

Benefits and costs for CPA: EPA data for Straw proposal, representing a lower bound for Clean Power Act benefits.

Benefits and costs for CSI: EPA's Clear Skies website, <http://www.epa.gov/air/clearskies/benefits.html>. (2 scenarios.)

(Mrs. DOLE assumed the chair.)

Mr. JEFFORDS. Madam President, the choice seems easy to me. While the Clean Power Act would safeguard and surpass Clean Air Act emissions reductions, Clear Skies would be a ticket to pollute.

If Clear Skies legislation becomes law, we will all pay the price in hazy parks, smoggy cities, increased acid rain, and more trips to the emergency room. These are costs we cannot afford.

I hope this message reaches the American public. The public should be very concerned about this administration's efforts to free polluters from environmental regulation. Clear Skies may sound like a good thing, but it is a smokescreen.

In addition, Clear Skies does nothing to address global warming—nothing. As you can see from this chart, Clear Skies ignores our commitment under the U.N. Framework Convention to return to 1990 levels of carbon dioxide.

At a time when we should be adopting real measures to reduce CO₂ levels to around two billion tons, the administration is promoting a "business as usual" approach. This approach will result in around 3.5 billion tons of CO₂. That is no way to protect the American economy or the world from climate change.

The administration says we shouldn't worry, we should trust that their vol-

untary greenhouse gas reduction plan will help prevent climate change. I am not convinced.

I am deeply concerned because I know that voluntary plans to date have not done enough to keep U.S. carbon dioxide emissions from rising. The administration's newly announced proposal—the inappropriately named "Climate Vision" plan—is part of the President's goal to reduce emissions intensity by 18 percent during the next decade.

Emissions intensity is a term to describe emissions per dollar of GDP. It may sound like a respectable goal to reduce intensity by 18 percent, however, the truth is, that this approach will not reduce actual emissions of greenhouse gases. Even if emissions decline per dollar, overall emissions will grow—grow—by 16 percent.

We must not base our national strategy to prevent global warming and its harmful and costly impacts on a 16-percent increase in greenhouse gas emissions. Again, I find it very unfortunate that the administration appears to be promoting policies based on fuzzy math.

I am confident the American public would rather see legislation such as the Clean Power Act passed. Our bipartisan bill would require reductions of CO₂ by 21 percent, a return to our 1990 levels.

The Business Council for Sustainable Energy supports our approach. The organization's president, Michael Marvin, says:

These ideas will encourage the deployment of clean, efficient, economical and secure energy resources for our nation.

Our clean power approach will reduce the risks of climate change. The Administration's voluntary plan will not.

In fact, Jim Connaughton, Chairman of the Council on Environmental Quality, has admitted to this failure. In a July 2002 Commerce Committee hearing, he confessed:

Greenhouse gas emissions will rise under our approach, no question about that.

Does this sound like an administration concerned about improving our air quality and protecting our global climate from irreparable harm? No.

Or could this be an administration that puts the interests of polluters first?

I urge my colleagues to look at the fine print in the President's proposal and ask questions. If you're very lucky, you might just get a helpful and honest response.

Frankly, I doubt you will get a response. As Chairman of the Environment and Public Works Committee in the last Congress, I asked this administration, namely the Environmental

Protection Agency, the Council on Environmental Quality, and the Department of Energy, to respond to straightforward questions about their legislative proposals, their rulemaking proposals, and their testimony before our committee. These are hardly unusual inquiries.

In some instances, I have yet to receive a reply. When I have received a reply, it has been either incomplete or inadequate, and without fail, quite late.

Simply stated, the American public, through laws such as the Freedom of Information Act, and also through its elected officials, is entitled to know the basis of government decision-making. The Congress has a responsibility to oversee and understand the activities of the executive branch, particularly when it implements the laws we write.

It is apparent through my experience and that of other Members I have consulted, that the American public is being kept in the dark by this administration on important changes to vital environmental and public health policies. The Clear Skies proposal dims even further their hopes and right to expect a cleaner and brighter future.

I thank the Senate for allowing me this time. I want to point out we should not lose sight of the fact there are things that are costing thousands of lives in this country we could prevent that are not being looked at well enough to give us the security we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, we have, under the order that now is in effect, morning business until 12:30. I see four colleagues, at least I have been notified, two on this side, two on that side, who desire to continue the debate on matters of national security. I am wondering if I might suggest a framework and then see if we can have a mutual understanding.

Mr. DODD. Time is moving.

Mr. WARNER. Time is moving. On my side, the distinguished Senator from Utah and the distinguished Senator from Alabama desire 4 to 5 minutes each. They have been here for some period of time. If they were to take those periods, then the other side would allocate their time as they desire, and perhaps we would be willing to extend the time to accommodate such additional time as you might desire.

Mr. DODD. May I inquire, if my colleague will yield, how much time remains on both sides of this discussion?

The PRESIDING OFFICER. The majority side has 11 minutes and 30 seconds.

Mr. DODD. I am prepared to say, use your 11 minutes and then we will pick up our time here. We ought to not waste any more and get to it.

Mr. WARNER. I don't know that we are wasting any time. We are just trying to do our best. We have been here

since 9:30. We have had the chairmen of the Appropriations and Foreign Relations Committees and this humble Senator.

Let us try the following. That would not leave the Senator from Virginia, who has control of this side of the debate, any time whatsoever to provide for some rebuttal.

Mr. DODD. If my colleague will yield, if you use your 11 minutes, Senator KENNEDY and I want to take some time. Others may come. Certainly we can engage in some discussion. I would say use the 11 minutes now.

Mr. WARNER. With that understanding, I thank my good friend from Connecticut and I thank my good friend from Massachusetts.

We will proceed to have the Senator from Utah, followed by the Senator from Alabama, for not to exceed 5 minutes each.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise to declare my support for the President and his administration as he prepares this country for the coming war with Iraq.

I do this sharing the President's reluctance to go to war. But I offer my support with admiration and respect for the President for facing this decision without reluctance or avoidance, for the forbearance he has demonstrated by pursuing all other reasonable options, for courage he has shown in making the decision, and for the honesty with which he has included the American public, and the world at large, in his administration's deliberations.

The President has not shirked from the problem of Iraq. Since coming to office his administration has recognized that the United States could not ignore a stale and festering policy that had devolved to inattention and a self-deluding hope. A war never concluded in 1991—for Saddam Hussein has never abided by the ceasefire terms of disarmament that the international community declared a condition of the end of the first Gulf War—had devolved to a collapsed inspections regime and a deteriorating sanctions regime. The international community could pass 16 resolutions declaring disarmament our goal and expectation—now 17—but the international community could not impose the inspectors to guarantee that disarmament, nor could it sustain the sanctions to force the regime to comply.

President Bush came to office recognizing the nature of Saddam Hussein's regime was not changing: Saddam was overtly intent to threaten the region, and he was covertly dedicated to amassing the terrible weapons necessary to achieving this goal. Years of inspections reports and defectors' stories confirmed, for all to see, that Saddam's behavior was not changing, and that, in fact, he was emboldened by over ten years of successfully deceiving and confronting the international community.

The administration could have looked the other way. They could have presented a rationale, heard from the streets protests today, that this was not a threat to the U.S., that Saddam was always brutal and dangerous, but that, after all, we'd never caught him plotting against us.

I wonder where the signs are saying: Saddam disarm; Saddam quit being the way you are.

I am amazed that those aren't the signs in the street demonstrations.

A previous administration looked the other way on another threat—the threat of Osama bin Laden. In 1996, I began warning that this man was a threat to the United States. Every time we acted against him, I applauded the President, but I urged us to do more. In 1998, after the attacks on our embassies in Africa, President Clinton responded by cruise missile attacks against Sudan and Afghanistan. A few people accused the President of “wagging the dog,” using force to distract from his other problems. I told the President two things: One, good job, Mr. President. Two, but don't let this be the only strikes. Finish the job.

Osama bin Laden lived to launch the attacks of September 11, 2001, and today he remains at large. But last weekend's capture of Khalid Shaikh Mohammed demonstrates that our war on terrorism continues relentlessly, and that the cooperation we have with foreign nations and our intelligence and law enforcement professionals will disrupt, capture and liquidate al-Qaida.

Osama bin Laden and Shaikh Khalid Mohammed launched an attack that changed the way America sees the world, and I am grateful that the Bush administration has changed American foreign policy in response. We recognize, finally, that the concept of imminence is not an abstract idea as we contemplate the preemptive use of force. Preemption is not a new concept in international law, as many of the President's critics suggest. It is as old as Grotius, the founder of modern international law. And contrary to critics' misinformed assertions, the U.S. has never forsworn the use of preemption. Not since the U.N. Charter, and not under either Democratic or Republican administrations.

Preemption has always been conditioned on the idea of imminent threat. In the pre-nuclear era, we could see the armies amassing on a border. In the nuclear era, the idea of imminence grew murkier. Was it the fueling of the ICBM? Was it the glare on the rocket as it left the launch pad? Was it the warhead's return through the atmosphere? These were the reasons why the U.S. did not adopt a no first-use policy during the era of strategic competition with the Soviet Union.

Imminence becomes murkier in an era of terrorism and weapons of mass destruction. When did the threat of al-Qaida become imminent? I know when it became manifest: Not, by the way, on September 11. Osama bin Laden had

struck many times before then. On September 11, the threat became catastrophic. It was well beyond imminent.

All Americans must be grateful to President Bush because he will never allow imminence to slip into catastrophic reality. None of us can read Saddam Hussein's intentions, Madam President. We don't know when, or if, he gives the command to pass his countless biological or chemical weapons to his numerous contacts in the international terrorist network.

We know, however, that Saddam has shown no intention of disarming.

And we know of Saddam's capabilities. As this administration has repeatedly stated to American and foreign audiences alike, there is a huge weapons gap in biological and chemical weapons. The evidence of this gap is not fabricated here; it has been meticulously collected, vetted and authenticated by the international community.

Our intelligence community, meanwhile, has asserted through the years that Saddam's Iraq is a safe harbor for international terrorism. This Congress has approved, through the last decade, these conclusions.

Association is not causation, every logic professor would say. And a cautious national security establishment would reiterate: Associating with terrorist groups, as we know Saddam Hussein has done, even training them, or giving them moral and financial support, is different than directing them. True enough. But the days of measuring imminent threat on this conservative notion are done. We will no longer confuse the reluctance to act with the self-deception that a threat is not there.

And I admire President Bush for plainly saying to the American people that the nexus of Saddam's regime of weapons of mass destruction and terrorist links is a threat we can no longer ignore. I admire the courage that says: American security cannot be held to a hope against reality but must eliminate a threat before it is too late.

I admire the President for pursuing all diplomatic options available to him. Last night he said he would submit another resolution before the Security Council, and I think that's a gutsy move. But the President has been clear, since he first took the case himself to the United Nations last September 12, that American national security would not be constrained by endless international resolutions without resolve. If the United Nations wishes to become a spineless debating society, that is its right. If it or anyone else believes that it can pervert international law to constrain the legitimate use of American force for the protection of our national security, then it will begin the 21st century on its self-imposed decline to irrelevance. I hope all members of the Security Council recognize this, as they recognize the diplomatic courage and honesty that the Bush Administration has demonstrated to that body.

Madam President, a war with Iraq will be the most serious exercise of American power in this century. We have reason to be optimistic: If we succeed militarily, and I believe without a doubt that we will, we will show the political commitment to ushering in a new era of stability and, I hope, democracy, for the people of Iraq.

At the beginning of the 20th century, colonial powers had their hand in shaping the Middle East. At the beginning of the 21st century, America is the lone superpower, but we are not a colonial power. The Administration has repeatedly stated that Iraq is for the Iraqi people, that their land, society, resources are for them to shape and mold. We will remove the oppression of Saddam and his Arab Stalinist Ba'athist dictatorship. And we in Congress, I hope, will provide the resources and support to sustain our commitment to a transition to a self-determining Iraqi society. We will work with the Iraqis, we will stay as long as we need, and we will not stay one day longer.

I admire President Bush for the candor he has shown the American people and the world. I admire him for facing difficult choices without reluctance, and I admire him for the courage he has shown in making the most difficult decisions a president can face. I join my prayers to those of countless other Americans as they pray for the success of our Armed Forces and for President Bush and his administration.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I, too, wish to join my distinguished colleague, Senator HATCH, in saluting President Bush for his courage and commitment to principle, his steadfastness, his integrity, and his moral approach to foreign policy. He believes the United States has a high calling in the world. We must meet high standards, and high standards mean that we try to work with our neighbors when possible, but we do not submit ourselves to requirements from other nations that keep us from doing what is the right thing. I am proud of what the President has done. I am proud of the way he has handled himself. I thought at his press conference last night, facing all the media in America and giving them his best shot, he handled it with great skill, dignity, integrity, and wisdom. So I am really proud of that.

We are now entering the final stages of diplomacy. There is still an opportunity for Saddam Hussein to take advantage of the days and hours he has been given by the President to change his ways, to totally disarm and abdicate his country in order to avoid a war. But the answer to what will happen is now in Saddam Hussein's hands.

This great Nation has committed itself to a course. This Senate has backed the President overwhelmingly. The House of Representatives has also done so. Last year, when this Senate was in the majority of the other party,

we voted 77 to 23 to authorize this President to take action if need be. I have sensed no retreat from that support by any Member. In fact, if we voted today, the vote would probably be larger. I don't know precisely what Hans Blix will report today in the U.N., but I will tell you one thing he will not say. He will not say that Saddam Hussein is in compliance. He will not say that Saddam Hussein has taken advantage of the 15-to-0 vote on U.N. Resolution 1441 last fall to disarm his country. Had he done that, we would not be facing a military conflict today. He has not done it, and we should not, in my view, continue to give extra time to him and reward him for his failure.

If we have had any difficulty in this process, it is from nations that seem to be unwilling to send a clear message. Some people say: You are not respectful of the United Nations. I have spoken on this issue for quite a number of years in the Senate. I have expressed my concern that we are Gulliver on the world scene and that many nations seem to desire to tie us down with a thousand different strings so that our Nation is unable to act in our interest or the world's interest. We want to listen to other nations, but we cannot allow the American power to be tied down in that fashion.

We had an interesting hearing before the Armed Services Committee, and our distinguished chairman, JOHN WARNER, is here today. He is one of the wisest men on military affairs this country has ever produced. James Schlesinger, former Secretary of Defense and former Secretary of Energy, talked about the United Nations.

The problem with the U.N. is not that they are bad, not that we should not try to work with them; but they cannot be depended on. They are not capable of functioning rationally under stress. They are basically a dysfunctional organization when it comes to action. There are a lot of reasons for that. It is the way the U.N. is created. You have nations such as Russia and France permitted to veto any resolution. We have a resolution dependent now on countries that are not really engaged in the area: New Guinea, Angola, or Cameroon can cast key votes. They are not spending \$3 billion a year, as we are, to keep Saddam Hussein in his box.

Secretary Schlesinger said this:

... this is a test of whether the United Nations—in the face of perennial defiance by Saddam Hussein of its resolutions—indeed of his own resolutions...—will, like the League of Nations over half a century ago, turn out to be simply another institution given to talk.

He went on to say this:

Will the United Nations prove as feckless as the League of Nations? Mr. Chairman, in 1935, Mussolini invaded Abyssinia. The League of Nations took note of this challenge to international order. Day after day, week after week, the League deliberated what to do. These sessions went on endlessly. After each session, there was a press conference. After some weeks, one of the reporters summarized the situation as follows: "On

the surface, very little is happening—but beneath the surface, nothing is happening.”

I think we are in a situation where the U.N. may be incapable of acting. This Nation must act if we are to maintain the integrity of the resolution of the U.N.

Mr. WARNER. Mr. President, I thank my colleague from Alabama. I welcome the opportunity now to listen, and perhaps engage in colloquy with my two good friends, the Senator from Connecticut and the Senator from Massachusetts. We have been at this debate 2 hours 10 minutes. We are delighted to have them join us.

The PRESIDING OFFICER. The Senator from Connecticut.

WAR WITH IRAQ

Mr. DODD. Madam President, first, I say to my friend from Virginia, this is an opportunity for us to spend a few minutes talking about the issue of war with Iraq. We all listened last evening to the comments of the President during his press conference. We all have great respect, obviously, for the Presidency of the United States. I would not call the President's press conference a Churchillian moment, but certainly the President expressed his views on what he believes ought to be done.

On October 11, 2002, I voted for H.J. Res. 114, a resolution providing the President with the authority to use force against Iraq if proved necessary. The vote on that resolution was 77 to 23. I voted for the entire resolution including language which requires the President to first determine that “reliance by the United States on further diplomatic or other peaceful means alone either will not adequately protect the national security of the United States against the continuing threat posed by Iraq or is not likely to lead to the enforcement of all relevant United Nations Security Resolutions.” The particular requirement seems to have gotten lost in recent discussions about Iraq and deserves repeating in the context of our debate this morning.

My concern is that the Bush administration, at this juncture, has not made the case that we have reached the point that we can say that diplomacy has failed.

I do not know of anyone who disagrees with the notion that we would be far better off with Iraq disarmed. Every person I know supports that conclusion. The debate, if you will, is not over whether Iraq should be disarmed but whether there are means short of military conflict for doing so. Knowing all the hazards and dangers that will arise when we send American service men and women into combat to achieve that result, we must not take that decision precipitously, without first exhausting other options, particularly diplomatic options.

As I stated earlier, I voted for H.J. Res. 114 last fall, and I would vote for it again because I believe force, coupled with with diplomacy, are needed in this

circumstance. Threats of force alone without diplomacy can too often lead us to unnecessary armed conflict and costly destruction and loss of life.

We fail sometimes to recognize and understand the value of diplomacy and how well it has worked for us in times past. We saw diplomacy at work during the Kennedy administration when President Kennedy diffused the Cuban missile crisis. We saw it at work as well in the Carter administration when Sadat and Begin came together at Camp David to end conflict between Israel and Egypt. We saw it at work in 1993 when, through the efforts of former-President Carter in North Korea, we were able to diffuse a situation that was getting very serious. Diplomacy has successfully resolved many disputes large and small. On each occasion it requires our President to put his credibility on the line and work diligently day in and day out to bring those warring parties together to avoid the conflict that would have ensued.

I think too often we fail to appreciate the value of what can be done through diplomacy. There are countless examples throughout our history.

My plea this morning, is not that we renounce the use of force multilateral or unilateral—in the case of Iraq or any other circumstance where US national security interests are at stake. I would never support a resolution that would deprive our Nation of the opportunity to protect and defend its security and its sovereignty, including by the unilateral use of force. My only concern is that we ought not rush unnecessarily to that conclusion when other options still remain. Do we really want to unnecessarily put at risk the lives of innocent Iraqi people or more importantly the lives of our own young men and women in uniform who have been deployed to the Middle East and await the orders of the Commander in Chief?

My plea today is that the President seriously consider giving the U.N. effort the diplomatic track a bit more time. Obviously, there is a threat in Iraq. We all know that. But it is a threat at this moment that is being effectively contained by the presence of international inspectors and the threat of force. Yes, Iraq is a threat, but there are graver and more immediate threats confronting the United States. I believe that North Korea poses a far greater and far more immediate danger to the United States and the region. U.S./Korean experts across the political spectrum share that view.

I am concerned that our impatience over Iraq is doing great harm to our relationships with our long standing friends and allies. U.N. Security Council Resolution 1441 did not contain an end date by which the inspectors were to conclude their mission. However, from the very beginning, the administration showed very little patience for the inspections process. Almost before it began, members of the Bush Administration were ridiculing the process,

suggesting it would never work anyway; why are we bothering with it?

One might ask the basic question: If we never thought it was going to work, why did we support U.N. Security Resolution 1441 in the first place?

The problem of Iraq and Saddam Hussein is not weeks old, it is years old. We all know that. Nonetheless, we drafted, worked, suggested, and supported the resolution that called for an inspections process. There is no certainty that an inspections process will necessarily succeed, given the size of the country and the difficulties involved, but we voted to send inspectors to Iraq and we supported the terms of their mission as spelled out in the text of the resolution.

Yet as the inspection mission was getting underway, the administration seemed to already have lost patience with it. Perhaps that is why other members of the Security Council began to question whether the United States was ever genuinely committed to an inspections regime.

U.N. weapons inspector Hans Blix spoke before the United Nations this morning. Let me share with my colleagues some of his conclusions—very significant conclusions in my view. Mr. Blix said that the inspectors were in a better position to carry out their work than they had been in the 1990s because of the existence of international pressure. The President should claim victory that his policy is succeeding—the combination of diplomacy and the threat of force is bearing fruit.

We ought to be celebrating the fact that the inspectors have made progress in disarming Iraq. I do not think that a call for inspections without a threat of force would have produced positive results. The combination of the threat of force and the inspections process is, according to those we have asked to perform these duties, producing far better results than we ever could have imagined.

Mr. Blix went on to say that there is no air surveillance over the entire country, and that inspectors can move freely anywhere in Iraq. Even with enhanced Iraqi cooperation, Mr. Blix stated that the mission would need some additional months not years to complete its work.

I am not interested in seeing the inspections process prolonged indefinitely. I do not think that is in anyone's interest. We have men and women in uniform deployed abroad, waiting for orders. We cannot keep them there indefinitely without having the necessary rotations. That poses some problems. I hope we never reach the conclusion that simply because we have deployed our forces to the Middle East, we see that action as putting our credibility on the line if we don't then take military action, even though diplomacy may be working.

American service men and women certainly understand that when they are called to duty, there may be times

they are asked to put their lives on the line. They also know there may be times when they are going to be asked to wait. Certainly, we need to understand the conduct of this particular delicate situation. Asking our men and women in uniform to be patient as we try to see if we cannot resolve this problem without putting them in harm's way is not an irresponsible way to proceed at all, given the fact we may get exactly what we are seeking as a result of the combined efforts of diplomacy and threat of force.

I believe this process is working and the President ought to claim victory, in a sense, because as a result of his efforts, we are getting the job done better than we might have imagined we could.

In a sense, I almost get the feeling we are trying to snatch defeat from the jaws of victory by moving away from a process that appears to be working despite all the difficulty surrounding it.

Obviously, if we want the multilateral support of our allies then we need to allow the U.N. effort some time. I can make a strong case that we probably do not need multilateral forces to win the military contest here. I am quite confident the United States military can more than adequately perform the challenges posed in Iraq militarily. But the problem becomes greater when you think of the aftermath, of how we manage that, how this event will affect other relationships we have where international cooperation is important.

I say this with a great deal of lament. Diplomacy has been suffering terribly here over the last few years. This is not just my conclusion. This is the conclusion of the responsible people who have watched, tragically over the last 24 months, where diplomacy has not been working as well as it could. I don't want to digress very much. I will keep focused on the discussion in front of us, but from the outset there was a notion that international cooperation was somehow a sign of weakness; that, in fact, the comments of our friend from Alabama suggesting a moment ago that international organizations and the United Nations could not perform duties when asked to act and asked to get a job done, I disagree with.

I have my difficulties with the performance of the U.N. from time to time, but I ask anyone to suggest what the world might look like if we did not have a U.N. system to respond all over the globe to every imaginable crisis that emerges. The idea of deriding and ridiculing and diminishing the role of the U.N. system is not in our interest, and I don't think it is in our interest to ridicule our allies in Europe and elsewhere. These are good friends. They have been and will continue to be. But we need to work at those relationships to keep them strong. Unfortunately, we have not been doing that. And, we are paying a price for that. That is why the American public and so many around the world are worried about un-

necessarily taking unilateral action. Particularly a preemptive unilateral action.

Having said that, I applaud the President's decision last night to go to the U.N. and to put a resolution on the table. I feared he might abandon the U.N. effort without doing so because some of his advisors have recommended this course of action. I commend the President for still being willing to try and get that international support. I hope a resolution can be crafted which our allies and others will feel comfortable supporting, one that gives the inspections more time to see if they can succeed. If I didn't feel time might work for us here, or that there was an imminent threat to our nations, then I would stand with those who would say we have to go forward now and unilaterally respond to the threat. I don't believe that moment has arrived.

Last night the President said that the world has changed since September 11th. I agree with him. The administration's eyes obviously were opened to the fact we needed help and support from the nations in coping with the amorphous nature of the stateless and faceless terrorist organizations. We heard the great news in the last few days of the capture of some al-Qaida operatives. I would respectfully say that this would not have happened without international cooperation. So in this particular set of circumstances, we have seen the value of international cooperation.

While Bush administration officials have seen the wisdom of cooperating with our allies in combating terrorist organizations, key administration policymakers still hold—too many of them—the fundamental belief that as the world's only remaining superpower, the United States does not need to consult or build the support from other nations in the conduct of foreign policy. They believe that we can singlehandedly decide who are good guys and bad guys, the members of the axis of evil, in the Bush administration's lexicon. It is this tension that brings us where we are in Iraq and North Korea.

Now we have, of course, the paradox that the administration is in no particular hurry, it would appear, to resolve the North Korean problem which was precipitated in part, I argue, by our handling and engagement with Iraq. It has no patience in the case of Iraq to allow the inspections process to play out. I appreciate that the administration is trying to maintain the readiness of more than 200,000 American troops that are or will soon be in the region and that this cannot go on indefinitely without troop rotation. However, I strongly believe the American forces are carrying out an incredibly important mission, even if the order is never given to attack. Just being there has a tremendous value in terms of what we are trying to achieve in the Middle East.

Their presence signals a seriousness and resolve on the part of the United

States that Iraq must disarm. Iraq is, in fact, beginning, as we see here, to respond—not as quickly as I would like, not in the ways some might prefer—but Hans Blix has reported progress. We should not yet draw the conclusion that in U.N. effort has failed.

I want to see Iraq disarm. Every American does. I believe as a way of doing this, at least a way worth trying to get this accomplished without resorting to force. The bellicose and public efforts by the administration to end the inspections process is going to have severe diplomatic costs in the months and years ahead. My hope is that we will be able to repair these relationships. The quick way we might do that is to allow this process to work a bit longer. If we do that, I think we can build the kind of support that is necessary to achieve not only the desired results in Iraq, but also to allow us to continue to build the relationships that are going to be critically important to deal with other pressing foreign policy concerns.

We live in a world that absolutely requires international cooperation, and the United States must be a leader in this effort. The great leaders in the post-World-War-II period understood this. The great people we revere and talk about often, people like Omar Bradley and George Marshall, the Dulles brothers and others, who understood the value and the importance of international organizations. They were the architects of these institutions. They were the ones who argued so vociferously to create a U.N. system, international courts of justice, to build a NATO system. They understood the importance of international cooperation. They understood that even a great power such as ours could not solve all the world's problems singlehandedly.

Too often, as we engage in this debate, many Americans and many people across the globe have the impression that the United States no longer believes that international cooperation is important in the conduct of our foreign policy. I disagree with that profoundly.

That worries this Senator very deeply. I will not take a backseat to anybody in my concern about Saddam Hussein. I would support the resolution which I voted for in October again today if it were the pending business of this body. I don't believe that the resolution calls upon the President to abandon diplomacy.

For those reasons I would urge and encourage the President to continue his efforts with the framework of the U.N. Again, I want to compliment him for indicating he is going to go back to the U.N. in the coming days to see if we can get a resolution that will build the kind of international cooperation that is necessary. But I have this nagging fear that there are some in the President's inner circle who believe this is all a waste of time and effort, that it is not in our interests to do it,

and the sooner we move away from seeking international cooperation the better off we are going to be.

That mentality seems to be gaining currency in the minds of far too many. That is a dangerous road to follow. It is one I hope and pray that the President does not take.

Mr. President, let me associate myself with what others have said in the course of this debate. If or when the President orders U.S. Service Members into combat, I and every other member of this body will support these brave men and women one hundred percent and we will pray that they return home to their families unharmed.

With those thoughts in mind, I thank my colleagues for the opportunity to express some views on this critical issue. I am certainly anxious to hear the thoughts of my colleagues as they express those during the remaining time of this debate.

Mr. WARNER. Mr. President, will the Senator allow me to have one or two questions, by way of a colloquy?

Mr. KENNEDY. Mr. President, I would like to do it. I understand the agreement goes to 12:30. I have not had an opportunity, and I have been here almost an hour. We extended the time shortly over on the other side.

I will be glad to yield if we can work that out, but I would like an opportunity.

Mr. WARNER. Why do we not just agree now to extend the time by 30 minutes, equally divided between the two of us? That will take us to the hour of 1 o'clock.

Mr. KENNEDY. That will be fine with me. I am glad if we agree the colloquy go maybe 5 or 6 minutes.

EXTENSION OF MORNING BUSINESS

Mr. WARNER. Certainly. The Senator from Massachusetts has been most patient.

I ask unanimous consent that morning business be extended to the hour of 1 o'clock, the time equally divided between myself and my colleagues on the other side.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. WARNER. With reference to two points that you make, Senator, first—I copied in my notes—you questioned was the United States ever genuinely engaged in the inspection process, some words to that effect.

Mr. DODD. Before you put words in my mouth, my concern has been that the administration has not been terribly supportive of the inspections process. Numerous Administration officials have been very dismissive of the inspections effort. My colleague from Virginia may have a different one. But my impression is that the administration has never embraced the inspections process, endorsed it, or supported it with the kind of rhetoric that I would have assumed would have been

the case since we certainly supported the resolution that established the inspections initiative.

Mr. WARNER. Mr. President, we are entitled to an honest difference of opinion. My colleague and I debated last night in a public forum on this very issue. But I believe our Government has been very thoroughly engaged in the inspection process, trying to support it.

I provide today some tangible evidence in the sense that I have a letter from the Director of the Central Intelligence Agency, addressed to me with a copy to my distinguished colleagues, Senator LEVIN and Senator ROBERTS, in which they set out for the record exactly what we have done by way of giving the U.S. intelligence regarding likely sites where weapons of mass destruction could be in the process of being manufactured, stored, or otherwise. We have cooperated mightily in this effort.

I think that corroborates the assertion of the Senator from Virginia that our Government is engaged. I just read one paragraph here, Tenet stating we, the United States:

... have now provided detailed information on all of the high value and moderate value sites to UNMOVIC and the IAEA.

That is in rebuttal to your comment about genuine engagement. I think that shows good faith.

Second, this rush headlong?

As the Senator well knows, 1441 was adopted on November 8. Immediately thereafter the United Nations began to put in place and formalize work that Blix had been doing for some period of time.

As you well know, the United Nations contemplated that there could be a second inspection regime, and Blix was put in office and began his work some months before. Had he undertaken to go into Iraq as quickly as I think feasible from a logistics standpoint, and having with him trained individuals, and he has been there basically since the latter part of November, early December—am I not correct in that?

The reason there has not been greater productivity by Blix—I think he has tried diligently—is the absolute lack of cooperation of Iraq, to which my colleague from Connecticut has agreed.

Here we are now. Our President and the Prime Minister and other nations of the coalition of the willing, having called up their reserves, called up their guard, transported the forces and put them in place. I was visiting there with Senator LEVIN, Senator ROBERTS, and Senator ROCKEFELLER 10 days ago. We have placed them there. As the Senator from Connecticut I think quite properly said, in fairness, their presence has, indeed, supported the diplomatic efforts undertaken by the President and others in the United Nations, which is still going on.

Our President said last night that we will wait and see what the Blix report comes forth with. He has come forth

again today. With due respect to Blix, he tends to be somewhat contradictory.

In previous reports he quite actively deplored the fact that Iraq has not been more cooperative and that lack of cooperation has hindered his efforts. As the Senator well knows, the concept of this inspection was not that Blix and his team had to find the weapons; it was that Iraq was to cooperate and show where the weapons are so Blix could supervise their destruction.

This thing got totally, as we say as sailors, off course because of the need for Blix to do both the destruction, which he is now supervising, of a modest cache of missiles, and at the same time trying to search, using U.S. intelligence and intelligence from other nations, for the sites.

I say to the Senator, I see no basis for saying that this President, the Prime Minister of Great Britain, or others are rushing, as you said, headlong to try to utilize force as the final solution. We have been at this thing 12 years. Blix has been in business since November.

Mr. DODD. Let me respond to your rather long question.

Mr. WARNER. Yes.

Mr. DODD. I presume there is a question there.

Mr. WARNER. Yes.

Mr. DODD. My response is the inspection teams were not at full strength until about the end of January.

Obviously, we didn't think Saddam Hussein was a wonderfully truthful, reliable head of state last fall when the U.S. voted for U.N. Security Council Resolution 1441. We have known Saddam Hussein for a long time, and it therefore comes as no great surprise that it has taken international pressure to get results.

It has only been about a month since the inspections team has been fully operational in Iraq. That is a fact. To expect somehow that within a month's period of time, or a little more than a month, an inspections team was going to be able to complete the job was naive.

This morning U.N. Weapons Inspections chief, Mr. Blix—whom I think most people respect as being an honorable person and certainly one who has dedicated much of his career to eliminating weapons of mass destruction—reported that the inspections are making progress, that today inspectors are getting a lot more done than they did in the 1990s. We should listen to Mr. Blix and give his remarks serious consideration as we decide the next steps.

My only point in taking the floor today is not to suggest, as some may, that we ought to under no circumstances in dealing with Iraq ever contemplate the use of force. I would disagree with that. I think having a threat of force is absolutely critical to achieving a desired result. The only point is that we ought not do this alone. I don't think it is necessary, and I think we ought to at least give this process time to work. I think the cost

of not doing that could be profoundly dangerous to our country. I hope I am wrong about that, but I am fearful I may be right. In waiting a few weeks to get this right, I don't think the dangers posed by Iraq are that imminent that a few weeks or a few months would necessarily cost us.

I would argue differently about North Korea. I don't think we have that much time. I think every day we lose in dealing with North Korea raises the risks to this country and the world profoundly. I don't disagree with my colleague from Virginia at all about this except to the extent that the impression is we really are not going to give this the kind of time to prove it can work and then have the kind of support that I think we ought to have internationally.

We only paid about 10 percent of the cost of the gulf war. The rest of the world which felt most threatened by Iraq contributed 90 percent of that cost.

As I shared with my colleagues last evening a conversation which I had with one of the major European Commissioners, a great ally of ours, the Commissioner said: We have been delighted to support the effort in Afghanistan. I think the European Community contributed about \$1 billion. He said: I would not anticipate any financial support under the present circumstances in winning the peace in Iraq if this is a unilateral effort on the part of the United States.

That is a very troubling comment. This problem is a problem not just for us, it is a problem for the region, as my colleagues have said.

I believe Saddam Hussein poses a global threat, and that certainly needs to be addressed. But we need to understand that diplomacy has value. And I think there are those who today are in positions of making a difference who don't appreciate that enough. That is my concern as I take the floor today.

Mr. WARNER. Mr. President, I see the Senator from Massachusetts.

I ask unanimous consent that the time the Senator from Virginia consumed in this colloquy be charged to his allocation and the time consumed by the Senator from Connecticut be charged to the other side.

I thank my colleague. I hope to have more to say on this.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this morning we heard the most encouraging report so far on the recent developments in Iraq from the United Nations' chief weapons inspectors. Progress is clearly being made. Iraq is beginning to destroy its missiles. As a result of strong international pressure on Saddam, the inspectors are receiving greater cooperation from the Iraqi Government.

Hans Blix, the chief United Nations weapons inspector, reported this morning that the international pressure is

working. He says the inspectors are encountering fewer difficulties than when inspections occurred there a decade ago. The inspectors have free access to the entire country, and they can now conduct air surveillance throughout Iraq. The question is, For how long? Hans Blix says it will not take years or weeks, but months. So we are not talking about an endless process. Saddam knows he is on the clock at the United Nations. The eyes of the world are on him, and he must disarm.

We all agree there is still much more to be done before full disarmament is achieved. But inspections are working and Saddam is being disarmed. Yet in its rush to war with Iraq, the Bush administration ignores this progress and rejects the wise words of caution from our allies.

President Bush deserves great credit for the progress so far—both in the war against al-Qaida terrorism, and in disarming Saddam. Al-Qaida is on the run, and Saddam is disarming.

But it is time for this President and this White House to pause before pushing aside the rest of the world and ordering an invasion of Iraq. Rash action will only place our troops in greater harm's way. As we unleash a firestorm of military might over Iraq, we could easily unleash a firestorm of hatred for America creating a far more dangerous world for Americans here at home and in many other countries.

We are squandering the immense good will and support for America following the tragedy of 9/11. We are shattering the coalition that is effectively fighting the war against terrorism, and that is pursuing Osama bin Laden at this very moment. War now will inflame the Arab and Muslim world against us as never before, and generate intense new support for anti-American terrorists who will stop at nothing to do us harm.

In recent days, Iraq has destroyed 34 of its 100 illegal missiles—a process which continues. Seven more scientists have been privately interviewed, and each day more come forward. The Iraqi government stepped up and revealed the location of previously destroyed biological weapons in order to enable the inspectors to verify their destruction.

Many of us wish that this cooperation had occurred earlier, and that Iraqi officials were more forthcoming. No one ever said it would be easy to disarm Iraq. Even South Africa, which agreed to unilaterally disarm its nuclear program, required two full years of inspections to confirm that its nuclear capability was destroyed.

Disarmament is a process—not a single simple event. Disarmament takes time. Progress comes step by step. But when progress does occur, it makes no sense to reject it out of hand. It makes no sense to start a war when we have a genuine chance to preserve the peace.

The wisest course for America is to give the inspectors more time and to maintain the pressure on Saddam by keeping our troops in the region. It is

better to pay the price of keeping our troops there to pressure Saddam than to pay the far greater cost of going to war.

It is clear from the foreign ministers who spoke today at the Security Council that a majority of the world's governments still want to wait before pulling the trigger for war. Even the British are now asking for more time.

This is a delicate and dangerous situation. We need allies to help us meet our goals, and to provide for the security of the American people. But surely we can have effective relationships with other nations without adopting a chip-on-the-shoulder, my-way-or-the-highway policy that makes all our other goals in the world more difficult to achieve. We cannot be a bully in the world schoolyard and expect cooperation, friendship, and support from the rest of the world.

The threat of war may be tough talk that Saddam needs to hear. But continuing inspections is a tough-minded policy. It takes patience and perseverance. There is the chance that they will succeed in disarming Iraq. And inspections build international support if other steps are required.

The goal is the disarmament of Iraq by peaceful means—not to use every opportunity to justify a war, as the administration is doing.

All of us agree that Saddam is a despicable and deceitful dictator, but I am deeply concerned that such a war will make the world even more dangerous for Americans—not less dangerous. But as long as inspectors are on the ground and making progress, we must give peace a chance. War must always be a last resort.

The question now is whether the Bush Administration will view Iraqi cooperation as a glass half empty, or a glass half full.

At his press conference last night, President Bush still failed to offer adequate answers to the key questions on the minds of the American people about the issues at stake in this war and its aftermath. In his speech last week, he also painted a simplistic picture of the brightest possible future—with democracy flourishing in Iraq, peace emerging among all nations in the Middle East, and the terrorists with no place of support there. We have all heard of rosy scenarios, but that was ridiculous.

War with Iraq runs the very serious risk of inflaming the Middle East and provoking a massive new wave of anti-Americanism in other countries that may well strengthen the terrorists, especially if the Muslim world opposes us. What if al-Qaida were to time the next terrorist attack to the day we go to war?

A year ago, the Wall Street Journal quoted a dissident in Saudi Arabia who has turned his focus from his own government to the U.S. Government. He said the main enemy of the Muslims and the Arabs is America, and that they do not want us to impose on them.

He said many Arabs would rather tolerate dictatorship in their own countries than import reforms from America.

The burning of the U.S. flag has become a common ritual in Arab capitals. Calling someone an American is now regarded as an insult in parts of the Arab world.

What a tragic change in the support we had in the world after 9/11, let alone from the time when America stood as a beacon of hope and a model for freedom and democracy throughout the world.

In a desperate effort to justify its focus on Iraq, the administration has long asserted there are ties between Osama and Saddam—a theory with no proof, and widely doubted by the intelligence experts.

Two weeks after 9/11, Secretary Rumsfeld claimed we had “bulletproof” evidence of the link. But a year later, CIA Director Tenet conceded in a letter to the Senate Intelligence Committee that the administration’s understanding of the link was still “evolving” and was based on sources of “varying reliability.”

In fact, the link is so widely doubted that intelligence experts have expressed their concern that intelligence is being politicized to support the rush to war.

The Bush administration was wrong to allow the anti-Iraq zealots in its ranks to exploit the 9/11 tragedy by using it to make war against Iraq a higher priority than the war against terrorism.

Al-Qaida—not Iraq—is the most imminent threat to our national security. Our citizens are asked to protect themselves from Osama with plastic sheeting and duct tape, while the administration prepares to send our Armed Forces to war against Iraq. Those priorities are wrong.

There is also much more we need to do at every level of government to strengthen our defenses at home against terrorist attack, especially if we go to war alone against Iraq and inflame the Arab world. America is already on constant alert. There is no time to shortchange our security at home. Yet across the country the Bush administration is leaving local governments high and dry in the face of continuing threats at home. Despite promises of funding from Washington, our cities are not receiving the urgent help they need.

If there is any lesson from September 11, it is that we cannot afford to fail to meet this threat. The cost in lives at home is too great. The war with al-Qaida is far from over, and war with Iraq may well make it worse.

And what about the aftermath of war? We know a stable government will be essential in a postwar Iraq. But the administration refuses to discuss, in any real detail, how it will be achieved and how long our troops will need to stay. President Bush assumes everything will go perfectly.

But war and its consequences hold enormous risks and uncertainties.

As Retired General Anthony Zinni has asked, will we do what we did in Afghanistan in the 1970s—drive the old Soviet Union out and let something arguably worse emerge in its place?

The administration has also tried to convince us the war will not be costly to the Treasury. If our national security were at stake, we would spare no expense to protect American lives. But the administration still owes the Nation a more honest discussion about the war costs we are about to face, especially if America has to remain in Iraq for many years, with little support from others.

The vast majority of the Iraqi people may well want the end of Saddam’s rule, but they may not welcome the United States to create a government in its own image. Regardless of their own internal disagreements, the Iraqi people still feel a strong sense of national identity and could quickly reject an American occupation force that tramples on local cultures.

We must recognize that the day we occupy Iraq, we shoulder the responsibility to protect and care for its citizens. We are accountable under the Geneva Convention for public safety in neighborhoods, for schools, and for meeting the basic necessities of life for 23 million Iraqi civilians.

This daunting challenge has received little attention from the administration. As the dust settles, the repressed tribal and religious differences of the past may come to the fore—as they did in the brutal civil wars in the former Yugoslavia, in Rwanda, and other countries. As our troops bypass Basra and other Iraqi cities on our way to Baghdad, how will we prevent the revenge bloodletting that occurred after the last gulf war in which thousands of civilians lost their lives? What do we do if the Kurds in northern Iraq claim an independent Kurdistan or the Shia in southern Iraq move toward an alliance with Iran, from which they have long drawn their inspiration?

We have told the Government of Turkey that we will not support an independent Kurdistan, despite the fact the Kurdish people already have a high degree of U.S.-supported independence and have even completed work on their own constitution. Do we send troops again to keep Iraq united? This administration’s record in postwar Afghanistan is not exactly the best precedent for building democracy in Iraq.

Sixteen months after the fall of the Taliban government in Afghanistan, President Hamid Karzai is still referred to as the “Mayor of Kabul” because of the weak and fragile hold of his government on the rest of the nation. Warlords are in control of much of the countryside. The Afghan-Pakistan border is an area of anarchy and ominous al-Qaida cells.

If we have not been able to get it right in Afghanistan, where we went in with strong international support and involvement, how do we expect to go it alone in Iraq? Everyone talked about a

Marshall Plan for Afghanistan where there is a clear need to rebuild and get it right so the Taliban and al-Qaida cannot take over again.

President Karzai was here last week at the Senate Foreign Relations Committee, begging for the adequate support and resources his new government needs to take hold. To get it right in Iraq, we need the international community and a long-term commitment on the part of the United States. That is less likely to happen if we do not have the international community with us from the start.

Depending on our welcome, it could take as many as 200,000 American troops, as General Shinseki told the Armed Services Committee just over a week ago, or even more, to stabilize Iraq. We already have 37,000 troops in South Korea, 8,000 in Afghanistan, 5,000 in the Balkans, and another 1,000 in the Philippines and Colombia. We need to know whether our Armed Forces are being spread too thin. We need to know how long they can keep up this pace.

The large-scale mobilization of the National Guard and Reserves for Iraq is already having an effect on police, firefighters, and others who are needed on the front lines at home, especially if there are new terrorist attacks on the United States. We have called up 167,000 Guard and Reserve personnel for active duty. We know the effect on their families who are left behind. What is the effect on the economy in lost productivity as these jobs go unfilled?

Can we meet all these obligations now, let alone shoulder the long-term costs of war with Iraq? These may well total hundreds of billions of dollars in the years ahead.

One of the highest and worst costs of the war may be the humanitarian costs. Sixty percent of the Iraqi people rely on the United Nations Oil-for-Food Program for their daily survival. Food is distributed through 46,000 government distributors supplied by a network of food storage barns. A war with Iraq will disrupt this network. Many Iraqis, especially low-income families, have no other source of food. Women and children will be the most vulnerable victims of war. According to recent reports, 500,000 Iraqi children already suffer from malnutrition.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an excellent article in this morning’s Washington Post by Ken Bacon and George Rupp.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. I will quote from the article.

... The U.N. High Commissioner for Refugees, the world’s first responder when people flee their countries, lacks the resources to prepare for a flood of refugees. ...

Although the United States has spent \$2.4 billion to send troops to the Persian Gulf region, it has spent less than \$1 million to position relief agencies in the region. An official at the U.N. Office for the Coordination

of Humanitarian Affairs recently told a conference that his biggest concern is the small number of private relief agencies ready to move quickly into Iraq.

We don't have the nongovernmental agencies that do humanitarian work in Iraq. We had them in Afghanistan. We have refused to permit them licenses to go in and set up some kind of system in the past months, although they have all desired to do so.

Listen to this:

Lack of preparedness by the [United Nations] and private relief agencies means the U.S. military will have to do most of the relief work, and this in turn could mean the suffering of the Iraqi people will be greater than necessary. Administration officials have done little to match the skills of relief agencies—some are specialists in medical care, others in water and sanitation projects, for instance—with projected needs.

It is talking about the nongovernmental agencies. It continues:

In modern warfare, precision bombs will limit civilian casualties during the conflict, so that most death and suffering occurs in the post-conflict period, when people are displaced, poorly fed or prone to disease because water sanitation and sewer systems have been disabled. This means that rapid humanitarian intervention is just as important to holding casualties and quick military victory.

The United States may be ready for war, but it is not yet ready to help Iraq recover from war.

This is Ken Bacon and the spokesman for the nongovernmental agencies that have worked so well historically on humanitarian needs. The U.S. military is far from equipped to handle the challenge. Our Government must have a plan in place to care for the population. Despite the immense need for help from relief organizations, we have had too few discussions with key nongovernmental agencies to provide the food, tents, medicines, and other supplies that will be needed. All we have to do is look in the newspaper and we find out where the preposition of every one of these aircraft carriers are, where the armored divisions are. Yet when you ask the Defense Department where are the prepositions on food, the tents, and medicines, we can't disclose those because those are secret.

Are all these possible consequences acceptable to the American people? Are they manageable? Does the administration really have a plan that considers how we will reap—in the international community, in the Arab street, and in American families—what we sow in a war with Iraq.

Finally, the President must explain why war with Iraq won't distract us from the more immediate and graver danger posed by North Korea. Something is gravely wrong at 1600 Pennsylvania Avenue if we rush to war with a country that poses no nuclear threat, but won't even talk to one that brandishes its nuclear power right now. Any nuclear threat from Iraq is at least five years into the future. But the threat from North Korea exists now—today. CIA Director George Tenet recently informed the Senate Armed Services

Committee, North Korean missiles can now reach American soil with a nuclear warhead.

Look at this article from the Washington Post of March 4:

The United States and Asian countries have begun to accept the idea of a nuclear-armed North Korea.

I ask unanimous consent to print the article at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. Continuing from the article:

"The administration has acquiesced in North Korea becoming a nuclear power," said a Senate source who was briefed last week on the administration's evolving policy.

"Our major fear is that North Korea would pass on fissile materials or other nuclear technology" to "rogue states" or outlaw groups, Deputy Secretary of State Richard L. Armitage warned Congress last month. "I don't think, given the poverty in North Korea, that it would be too long" before such sales could take place, he said.

In other words, they are willing to accept North Korea as a nuclear power that has sold missiles to Iran, to Syria, to other countries that have supported terrorism and not give that the first priority when we are talking about the security of the United States.

This makes no sense.

"The total red line is the sale of nuclear weapons material," said [a spokesman for the administration] who follows the North Korea issue closely. "Nuclear weapons transferred to the Iraqis would be tantamount to nuking Jerusalem."

You can have them, as long as you don't sell them, for a country that has already sold the technology of making nuclear weapons to Iran, to Syria, and other nations and has that capability itself.

Experts—including professionals within our own government—have been ringing alarm bells for months about North Korea's pursuit of nuclear weapons. The views of the experts are brushed aside, despite the continually growing list of dangerous behavior by that government.

This is a country that celebrated the inauguration day of South Korea's new president by test firing a missile into the nearby sea. Yet, last night, President Bush did not even mention North Korea in his statement.

North Korea has long had advanced missiles which it sells to other countries. It has restarted its plutonium-producing reactor, kicked out the international inspectors, pulled out of the Nuclear Non-Proliferation Treaty, and threatened to break the Armistice agreement that has brought 50 years of peace to the Korean peninsula.

Desperate and strapped for cash, North Korea is the greatest current nuclear danger to the United States, and it is clearly taking advantage of the situation in Iraq. It is the country most likely to sell nuclear material to terrorists, and has missiles that can

strike our soil. How long can the Administration continue to ignore North Korea? How will a war with Iraq affect our ability to deal with this escalating danger?

Just the other day, two North Korean Mig fighter jets tailed an American plane near the Korean Peninsula, in a further attempt to get the attention of President Bush.

But in his zeal on Iraq, the President has refused to call the situation on the Korean peninsula what it is—a genuine crisis. He has refused to even talk directly to the North Koreans to try to end its nuclear program.

The Administration may even have tried to conceal information about North Korea. Intelligence analysts at the Lawrence Livermore National Laboratory in California concluded in November 2001 that North Korea had begun construction of a plant to enrich uranium to use in nuclear weapons. Yet, the Administration did not reveal this information until eleven months later, in October 2002—after Congress had voted on the legislation authorizing the use of force in Iraq.

Only the Administration knows if the timing of the release of the information on North Korea was by design or coincidence. But if the Administration did conceal its knowledge of North Korea's dangerous nuclear weapons program until after the Congressional vote on Iraq, it would represent a breach of faith by our government not seen since the Vietnam War.

The very real danger is that the Administration is making it more likely that North Korea will provide nuclear material or even nuclear weapons to terrorists or nations supporting terrorists. Is war with Iraq worth that risk—not taking more time with inspectors?

We are poised at a moment of truth in the stewardship of the President. If President Bush commits our men and women to war, then all of us will close ranks behind them, and pray for their safety and a swift end to the conflict.

But with inspectors on the ground and stiff international pressure still possible, this is an unnecessary war. History will judge how well we meet the challenges of this new era and this new century. We should move forward as the great and honorable nation we are—with patience and perseverance—as we carry on the difficult work of build a better and more peaceful world for all its people.

EXHIBIT 1

[From the Washington Post, Mar. 7, 2003]

UNREADY FOR THE AFTERMATH

(By Kenneth H. Bacon and George Rupp)

Despite months of planning by the Bush administration to respond to the humanitarian challenges that could follow an attack against Iraq, preparations for dealing with displacement, injury, illness and food shortages remain inadequate. If current problems continue, the suffering caused by war could be amplified by lack of aid resources and coordination.

The most urgent need could be food. The United States boasts that it has shipped 3 million humanitarian daily rations to the region to help feed Iraqis. But individual meal

packets will feed only a tiny portion of Iraq's 24 million people, and for just a few days. A United Nations official recently called U.S. and U.N. preparations to feed the Iraqi people "grossly inadequate." The official said that "they need to be sending ships of wheat to the Persian Gulf, along with ships of soldiers."

More than a decade of U.N. sanctions has left approximately 16 million Iraqis dependent on government rations for their entire food supply under the U.N. Oil-for-Food program; most of the remaining 8 million Iraqis rely on government rations for a portion of their daily food basket. The U.N. Children's Fund estimates that more than 2 million Iraqi children will require therapeutic feeding in the event of a conflict.

A break in the U.N. food pipeline could cause "extremely grave" conditions, Ramiro Lopes da Silva, director of the U.N. World Food Program office in Baghdad, told *The Post*. He estimates that 10 million people could run out of food within six weeks of the start of a war. "After that we will have to feed 10 million people. Eventually, we'll have to feed the entire population," Lopes da Silva said. The World Food Program currently has enough food in the region to feed 900,000 people for 10 weeks.

Preparations to deal with refugees and displace people also are behind schedule. The United Nations estimates that in the "medium impact scenario"—a two- to three-month conflict involving ground troops—1.45 million refugees and asylum seekers would try to reach neighboring countries, and 900,000 people would be newly displaced within Iraq. Yet Ruud Lubbers says that his agency, the U.N. High Commissioner for Refugees, the world's first responder when people flee their countries, lacks the resources to prepare for a flood of refugees.

So far the U.N. refugee office has raised less than \$20 million of the \$60 million it is seeking for tents, stoves, blankets and other materials for refugee camps. Most of that money came from the United States. As a result, the agency has positioned only about 20 percent of the equipment it needs in the region.

In a flurry of news conferences last week, administration officials admitted that the military may have to provide food and medical assistance during and immediately after a conflict, but they say humanitarian tasks would quickly be turned over to the United Nations and private relief agencies. Sadly, private relief agencies, most of which depend on government funding, aren't yet well prepared for the task.

Although the United States has spent \$2.4 billion to send troops to the Persian Gulf region, it has spent less than \$1 million to position relief agencies in the region. An official at the U.N. Office for the Coordination of Humanitarian Affairs recently told a conference that his biggest concern is the small number of private relief agencies ready to move quickly into Iraq.

Lack of preparedness by U.N. and private relief agencies means the U.S. military will have to do most of the relief work, and this in turn could mean that the suffering of the Iraqi people will be greater than necessary. Administration officials have done little to match the skills of relief agencies—some are specialists in medical care, others in water and sanitation projects, for instance—with projected needs. One urgent unanswered question is: Who will care for Iraqis exposed to weapons of mass destruction? Humanitarian organizations lack the skills and equipment to handle this challenge.

In modern warfare, precision bombs limit civilian casualties during the conflict, so that most death and suffering occurs in the post-conflict period, when people are dis-

placed, poorly fed or prone to disease because water sanitation and sewage systems have been disabled. This means that rapid humanitarian intervention is just as important to holding casualties down as quick military victory.

The United States may be ready for war, but it not yet ready to help Iraq recover from war.

EXHIBIT 2

[From the Washington Post, Mar. 5, 2003]

FOES GIVING IN TO N. KOREA'S NUCLEAR AIMS (By Doug Struck and Glenn Kessler)

TOKYO, March 4.—The United States and Asian countries have begun to accept the idea of a nuclear-armed North Korea, according to officials and analysts here and in Washington. Increasingly, the Bush administration is turning its attention to preventing the Communist government in Pyongyang from selling nuclear material to the highest bidder.

Envoys for the new South Korean president, Roh Moo Hyun, shocked Bush advisers in Washington recently when they said they would rather have a nuclear North Korea than a chaotic collapse of the government there, according to sources in Seoul.

And in Japan, located within missile range of North Korea, officials feel their neighbor cannot be stopped from producing a bomb. "We need to be debating how to live with North Korea, with or without nuclear weapons," Taro Kono, a lawmaker from the ruling party, said in an interview.

Washington had issued repeated warnings to North Korea not to begin reprocessing materials that could become fuel for a nuclear bomb, but administration officials have become resigned to North Korea taking that step sometime within the next two to four weeks. "The administration has acquiesced in North Korea becoming a nuclear power," said a Senate source who was briefed last week on the administration's evolving policy.

U.S. officials have begun to contend that a decision by North Korea to begin reprocessing spent nuclear fuel rods into weapons-grade plutonium will represent a diplomatic opportunity to swing international opinion to its side in the impasse over North Korea's nuclear ambitions, administration and congressional officials said today.

The administration thinks the shock of a decision by Pyongyang to export nuclear materials would force Russia, China, South Korea and other nations to drop their reluctance to confront the Communist state. According to that view, they would go along with the United States in mounting a tough campaign to further isolate the North and possibly to try to interdict suspected shipments of nuclear materials.

Production of plutonium that could flow abroad in clandestine sales "fundamentally changes the equation," contends an administration official. "Literally every city on the planet would be threatened."

During the last crisis over North Korea's nuclear ambitions, in 1994, the Clinton administration warned Pyongyang that reprocessing materials for a nuclear bomb could prompt a military strike. Many officials in Asia believe that Washington will now set new "red lines" that it will not tolerate North Korea crossing. But Bush and his senior advisers have refused to do that, publicly at least, saying it would only encourage North Korea to charge past them.

North Korea already is a major source of missile technology, and an Iranian resistance group recently said that North Korean experts are assisting Iran in its pursuit of nuclear weapons. Now officials worry about a new kind of export.

Even the Administration says North Korea's nuclear weapons are dangerous. "Our major fear is that North Korea would pass on fissile material or other nuclear technology" to "rogue states" or outlaw groups, Deputy Secretary of State Richard L. Armitage warned Congress last month. "I don't think, given the poverty of North Korea, that it would be too long" before such sales took place, he said.

"The total red line is the sale of nuclear weapons material," said Rep. Mark S. Kirk (R-Ill.), who follows the North Korea issue closely. "Nuclear weapons transferred to the Iraqis would be tantamount to nuking Jerusalem." You can have them, as long as you don't sell them?

The Senate source said the administration was playing "a very dangerous game" in not acting to stop reprocessing before it starts, because the resulting materials could be hidden in the country's network of caves awaiting export.

But administration officials argue they have no good military options for eliminating North Korea's nuclear capability. A surgical strike might neutralize the plutonium plant, but the country's effort to enrich uranium is proceeding at another, unknown site.

President Bush told reporters this week that he was still seeking a diplomatic solution and that a "military option is our last choice." He also said that he would seek to "accelerate the development of an anti-ballistic missile system" to counter a potential threat from North Korean missiles.

U.S. officials quietly dropped the phrase that the United States has "no hostile intent" toward North Korea in their talking points about a month ago, an official said. "It's clear North Korea has hostile intent to us," he said.

"I wouldn't rule out use of military coercion if North Korea crosses . . . red lines," said Michael A. McDevitt, a retired rear admiral and director of the Center for Strategic Studies in Washington. "The one I am most worried about is if they produce enough plutonium to start hawking it on the open market."

An administration official said Chinese officials have told North Korea that China would consider any attempt to produce nuclear weapons a "direct threat to Chinese national security." While the Chinese told U.S. officials that they made it clear to North Korea they would not accept such a step, the Chinese statement did not address reprocessing or foreign sales of the resulting materials.

Many strategists have long asserted that the United States, China and Russia would not allow a nuclear-armed North Korea because it could dramatically alter the power structure in northeastern Asia and lead to an arms race as both Seoul and Tokyo demanded nuclear weapons.

Increasingly, however, it appears that North Korea is determined to defy those wishes. "In a way we are wasting our time to talk about dialogue with North Korea," said Masashi Nishihara, president of Japan's National Defense Academy. "Only after they develop a nuclear program will they come to the table."

Mr. KENNEDY. I see my friend and colleague, the chairman of the Armed Services Committee. I would like to maybe ask him a question.

Mr. WARNER. Of course.

Mr. KENNEDY. If I could ask unanimous consent to ask him a question and retain the right to the floor.

I was interested in what our rules of engagement will be for our men and

women in Iraq. I am concerned, as are many of the nongovernmental agencies, that if we go past Basra, if we let it alone for a period of 48 hours—this is a community that is largely Shia, ruled by the Sunnis—I have heard estimates of up to 10,000 people being slaughtered there in bloodletting unless there is an immediate kind of police action and force presence which would keep these parties apart.

I am wondering, in those circumstances, what will be the rules of engagement of American servicemen. Are they going to be called upon in terms of separating these blood feuds, which have been so much a part of these revolutions in Iraq? I want to know whether American servicemen are going to be instructed that they are to fire on the Iraqi people who are involved in these kinds of acts of violence. I am interested in what the rules of engagement will be for northern Iraq, if there should be a rush by the Kurds to go back to their old homes where, in many instances, families have lived for centuries and have been separated by Saddam Hussein. What are American troops going to be told to do when the Iraqi forces collapse and the Kurds make a rush to Kirkuk, for example, one of the great oil-producing areas? What are American service men and women going to be told to do? What will be the rules of engagement outside of just engaging with the Iraqi Army? What are going to be the rules of engagement in terms of maintaining civilian control?

Mr. WARNER. Mr. President, I welcome the question from my colleague. He is a very valued member of the Armed Services Committee.

We had briefings this week by the Department of Defense, and indeed a representative from the Department of State, on the plans now being formulated by the Bush administration, should force be necessary, as to exactly what we would do with respect to the questions raised by my colleague.

First and foremost, our forces, as they would move in, are responsible for the objective of trying to keep Iraq together and constituted as a nation, as it is today. It is the elimination of weapons of mass destruction and the consequent regime change that are the goals. Now, they are to provide first protection for the nongovernmental organizations which stand ready to assist our country. In other words, we will be making an effort to feed and care for the people of Iraq, as well as outsiders. That is the highest priority. So we are to provide a secure framework in which the people of Iraq can be cared for as best they can under wartime conditions.

With respect to factions in Iraq and their desire to fight among each other, we are going to do our best to contain that. Our goal is to have Iraq as a nation, with its present boundaries, remaining intact. We are bringing in experts to put out any fires Saddam Hussein may set at the oil wells. We are

bringing in people to establish, as quickly as possible, a secure framework in which the people of Iraq can begin to select their own leadership and government in due course. So there has been a lot of planning.

As to the exact rules of engagement that commanders, as the Senator and I understand, will issue to their troops, at the moment I do not have those orders. But I assure the Senator that we are contemplating the challenge to maintain the integrity of Iraq as a nation. That could well involve stopping the civil strife between factions. But a lot of planning has been done.

I think the administration has been subjected to undue criticism because the planning as yet has not been fully made public. But it is there, I say to the Senator.

Mr. KENNEDY. I appreciate the Senator's response. This is enormously important because we have seen in Kosovo and other areas where servicemen did not protect local populations because they did not have what they call the "orders" and the appropriate rules of engagement to provide those protections.

We are on notice about what is going to happen now in northern Iraq, with the desire of Kurd families returning to many of their home communities. We are on notice about the southern part of Iraq, where many of the Shia who have been denied their cities and communities want to reclaim them. It seems to me we ought to have some understanding about what our servicemen are going to be asked to do during those periods. I don't understand, for the life of me, why we cannot know that information and cannot have that information.

One more word. Why can we not say, if we are going to have these circumstances, these are going to be the rules of engagement? At least we need to have some awareness and understanding that we are going to meet our responsibilities under the Geneva Convention. We have an international responsibility, obviously, in terms of protecting civilian populations. We have seen, in Kosovo and Serbia, where those populations were not protected in a number of instances because the rules of engagement were not proper.

I say to the chairman of the committee, I hope prior to the time we go to war, we will have at least some understanding about what these instructions are. There is no reason they need to be kept secure. If we are interested in avoiding large bloodletting in that region of the country, we ought to know exactly what we are expecting of our service men and women. They are the best in the world, and they are trained to overcome any military force.

Mr. WARNER. Mr. President, I assure my colleague that we are greatly concerned about the safety of our service personnel as they undertake this mission, if it has to be done. I visited with them, together with Senators LEVIN,

ROCKEFELLER, and ROBERTS. They are ready.

The Senator raises, quit properly, the record we had first in Kosovo. I happen to have visited there during the early part of that securing of it by the United States and other forces. I assure the Senator that the rules of engagement were spelled out. I remember American servicemen guarding the Serbian churches from destruction. I remember instances where they would carefully respond to protect the Serbs, who were at that point in time in minority status, so to speak. So we performed that mission, and we did it admirably, together with a coalition of nations.

We will have other nations assisting us in this engagement. Then you bring about Afghanistan. That is a country, historically, that has been fought over by factions. We visited there a week or 10 days ago. There is relative quietude there. There is no severe amount of factional strife today; that is, outbursts of actual casualties and the like. Tensions are present. We are trying to reconstitute an armed forces under the Government of Afghanistan now. So we have a good track record on that.

Mr. KENNEDY. Does the Senator want to explain, on the reconstituting of the armed forces, how successful that has been?

Mr. WARNER. Yes. We met with President Karzai. I assume you saw him when he visited here. Incidentally, the French are very active in the training of those forces, and the Germans are taking an active role in the training of those forces. It is coming together, I say to the Senator.

Mr. KENNEDY. Well, my information is somewhat different from the Senator's, in terms of the recruitment and the ability to hold these individuals into any kind of a national army.

I want to finish with this point. We are facing a variety of security challenges in this country. My belief is the No. 1, which is continuing, is al-Qaida and the dangers of terrorism. We have to look at everything. We know Saddam Hussein is a despot. We know progress is being made. We also have on the scene the danger of North Korea and the imminent threat they present. We ought to be making a judgment about our national security interests, our overall security—the security of the American people within the construct of the dangers of al-Qaida, the threat that is posed in North Korea, and whatever the current situation is with the inspectors in Iraq.

On that kind of a situation, I draw the conclusion that we should give more time to the inspectors and work to try to galvanize the international community to support us in that effort.

Mr. WARNER. Mr. President, I would like to also—if I may, on my time—address points raised by my colleague from Massachusetts. Quite properly, the Senator raises the issue of North Korea. The President addressed that last night.

I ask unanimous consent to have printed in the RECORD his comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDENT. We, of course, are consulting with our allies at the United Nations. But I meant what I said, this is the last phase of diplomacy. A little bit more time? Saddam Hussein has had 12 years to disarm. He is deceiving people. This is what's important for our fellow citizens to realize; that if he really intended to disarm, like the world has asked him to do, we would know whether he was disarming. He's trying to buy time. I can understand why—he's been successful with these tactics for 12 years.

Saddam Hussein is a threat to our nation. September the 11th changed the strategic thinking, at least, as far as I was concerned, for how to protect our country. My job is to protect the American people. It used to be that we could think that you could contain a person like Saddam Hussein, that oceans would protect us from his type of terror. September 11th should say to the American people that we're now a battlefield, that weapons of mass destruction in the hands of a terrorist organization could be deployed here at home.

So, therefore, I think the threat is real. And so do a lot of other people in my government. And since I believe the threat is real, and since my most important job is to protect the security of the American people, that's precisely what we'll do.

Mr. WARNER. These are in strong rebuttal of my colleague's comments. I will read what the President said with reference to North Korea:

Well, I think it is an issue. Obviously, I am concerned about North Korea developing nuclear weapons, not only for their own use, but perhaps choose to proliferate them, sell them.

The President is working in a national multilateral forum to try to address this problem because it is regional in that Russia, Japan, South Korea and, indeed, China have a heavy stake in seeing that the Korean peninsula does not become nuclearized.

It is clear as that, I say to my friend, and I think the President, in a very responsible way, the initial approach to this, a multilateral approach, the approach my colleague is urging on the President with regard to Iraq, is applying in the Korean peninsula situation. It does not preclude possibly bilateral discussions at some later date and time.

Second, on the issue of Iraq, the question is time, months. Time is not on our side. The President addressed this very explicitly last night in his remarks. He simply said that his concern—and I will put the text in the Record—his concern is, again, the question of proliferation.

No one in this Chamber thus far, in the weeks and the months we have debated this issue, has denied Saddam Hussein has enormous caches of weapons of mass destruction which he has failed to declare and which the inspectors have failed to destroy because of the inability to locate them through lack of cooperation from Iraq.

What is to prevent Saddam Hussein, if he has not already done it, from tak-

ing small amounts of these weapons and allowing an international terrorist organization, be it al-Qaida or others, to take this material and begin to carry it to places throughout the world, whether it be Europe or the United States, and dissemble it?

I bring back the tragic aftermath of the discovery of anthrax sent to Members of this body. Postal employees lost their lives. One of our Senate office buildings was shut down. We suffered a severe blow as a consequence of an unopened envelope which contained but a few ounces, if that, of this material. And Saddam Hussein, it is documented, has tons of it, undeclared, not found, and all of this could have been achieved if he had cooperated with the inspection regime which was initiated in November of last year.

Time is not on our side. The failure of the United States and the coalition of willing nations, principally Great Britain, not to act is not in our interest. The price of inaction is far greater than the price of action.

As I listened to my colleague from Massachusetts—and he has spoken very eloquently on these subjects over the past several days. I admire his courage to get out and lead in this debate. It is an important debate. It is taking place across the Nation. But I cannot find in my colleague's comments where he specifically has a program whereby to force Iraq to cooperate. Why is it that he has not emphasized the need for Iraq to cooperate and what steps should our country, Great Britain, or others do to force that cooperation, other than the steps we have taken thus far, which have not proved fruitful?

Yes, here and there Saddam Hussein steps up and does some little thing to buy time, but he would not have needed that time if he had cooperated and began that cooperation when the inspection regime began last November. Mr. President, wherein does the Senator lay out a program to compel Iraq to cooperate?

Mr. KENNEDY. Let me answer, if I may, in this way. First of all, the administration was strongly opposed to inspections. I heard the exchange with my friend and colleague from Connecticut. That is very clear. Secretary Rumsfeld said it. They never believed in inspections, No. 1.

Then they agreed to the inspection process at the United Nations. It is only today, evidently, when the CIA is giving the inspectors all the information we have.

The Senator from Virginia attended the Armed Services Committee hearings that I attended where our colleague and friend from Michigan, Senator LEVIN, pointed out time and again that the administration and the CIA had still not provided all of the material on intelligence to the inspectors. But all during this time, the administration was saying: Let's go to war; let's go to war; let's go to war; Saddam isn't complying.

Now the Senator—and I have not had a chance to look at the document—

says the record is clear, and he put the document in the RECORD an hour ago, that finally we are giving everything to the inspectors. Today, we had the leader of the inspection team say he believes they can do the job not in weeks, not in years but in some months. The international community says: We will be with you if you can do that in a period of months.

My position is, it is better to work the international community to try and do it in weeks—if we cannot, do it in months. It is cheaper in terms of treasure and human life to keep the necessary military force there to make sure it is done.

That is my position, I say to the Senator. I know we differ on some aspects, but we do not differ on the willingness to give to the inspectors the intelligence information.

Mr. WARNER. Mr. President, I say to my good friend, a couple of letters are about to be handed to him. They are in the RECORD. He is mistaken in the facts. The letters cite what we have done over an extensive period of time—over the last 3 or 4 months. I personally, together with the former chairman, Senator LEVIN, now ranking member of the Armed Services Committee, have consulted with Director Tenet on this matter. We have been in a room with the actual person entrusted to convey on a daily basis to Hans Blix this information. It has been going on for months. It did not just start.

Let me read one paragraph, and then I will yield.

Statement for the record: The American intelligence community has—

That is past tense—

has provided extensive intelligence and other support to the United Nations on Iraq and WMD, and potential inspection sites for over 10 years. There is, therefore, a very strong common understanding of sites of potential interest to the inspectors, whether UNSCOM inspectors or UNMOVIC inspectors or IAEA inspectors. When the current round of inspections began, the Intelligence Community assembled several lists of suspect sites, which we combined into a common list in early January. This list consisted of high, moderate, and low value sites, depending on our assessment of recent activities suggesting ongoing WMD association or other intelligence information that the sites were worth inspecting.

We have now provided detailed information on all of the high value and moderate value sites to UNMOVIC and IAEA.

The letter continues to detail what has been done over a period of months, I say to the Senator. It just did not start yesterday.

Mr. KENNEDY. Will the Senator yield on this point? First of all, I will put in the RECORD—and the Senator was there—the exchange between Senator LEVIN and Secretary Rumsfeld. The Senator from Virginia was at the Armed Services Committee meeting. I remember this meeting—it was 2½ weeks ago—when Senator LEVIN said the briefing he had and the answers he

had from the intelligence community were not consistent with Secretary Rumsfeld.

I am going to put that exchange in the RECORD, and that will stand in terms of 3 weeks ago.

I want to draw attention to this letter. "The American intelligence community has provided extensive intelligence"—extensive intelligence. It does not say "all" or "complete intelligence." It says "extensive intelligence." That is what my letter says.

Mr. WARNER. Go on to the second paragraph.

Mr. KENNEDY. I know, but why do they say—I will be glad to read this and go through it, Mr. President, but I want to stick with the facts I know about. The facts I know about are the testimony of the Secretary of Defense and the exchange that he had with Senator LEVIN in open session in the Armed Services Committee where Senator LEVIN had been told the evening before, and it was represented that a complete list of these sites had been provided, and he had the materials that demonstrated it had not been complete. Those are security matters, as the Senator well knows. That was 2½ weeks ago.

The point is, as to the intelligence given to the inspector, whatever has been given, is it the Senator's statement now as chairman of the Armed Services Committee that all of the information the intelligence agency has in terms of weapons has been given to the inspectors? Is that what the Senator is telling us?

Mr. WARNER. Mr. President, I think this letter answers Senator KENNEDY's first statement: We have just begun to provide information.

Mr. KENNEDY. I did not say "just begun." No, the Senator is not correct. There was a provision, there was a filtering out of this material.

It was very slow in January. We are getting close to classified. I remember the briefing we had from the deputy of the CIA at that time. It was clear they were cooperating. It was also clear there were a limited number of inspectors and they were going to provide more, and it would be soon. I think the Senator would remember that briefing. I remember it clearly. This has been a process of filtering out.

The authority I have, I sat right next to Carl Levin, 2½ weeks ago, when he looked in the eyes of the Secretary of Defense and they reviewed documents, and the Secretary of Defense leaned over and shared various documents. At the end of that, he had to agree with the position Senator LEVIN had, that all of the information had not been provided. I will put that in the RECORD.

My point is, if we still, 2½ weeks ago, had a ways to go with intelligence information that would be advantageous to the inspectors, it strengthens those who believe we should make sure our inspectors have all of the relevant material that will help them do the job which we all agree should be done.

Mr. WARNER. Mr. President, in fairness, this letter is part of a very complex and long dialog between Senator LEVIN and various members of the administration. Were he here today, he would say he is still not satisfied with regard to this issue.

At one point I recognized that one member of the administration said to him, Senator, I gave you incorrect numbers at one time and I am now correcting them. I think a good-faith effort has been made by the administration to resolve such differences as Senator LEVIN has had.

Having been in most, if not all, of the discussions with Senator LEVIN at the time he raised these important questions, the preponderance of the facts shows unequivocally our Nation has cooperated fully on the matters of intelligence. I stand by that. I heard the National Security Adviser state that, the Director of Central Intelligence state that, and others. We have cooperated.

Have there been some disjoints of timing and perhaps numbers? I cannot say it is perfect, but there has been overall sincere cooperation.

We have had an excellent debate today. I thank my colleagues for joining me on the floor, both on my side of the aisle and the other side of the aisle. We have met the test of the Senate addressing this question.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. FRIST. Mr. President, on this day in the halls of the United Nations Security Council and in the distant lands of the Middle East, the United States is making a stand for the causes of freedom and democracy, for order and peace.

The President and the Congress have made clear that we will no longer tolerate Saddam Hussein's production or possession of weapons of mass destruction. Further, it is our solemn belief that the people of Iraq deserve to live in freedom. They have suffered long enough under the tyranny and the oppression of the day.

As is so often the case, challenging the status quo is not easy even if that status quo is a dictator pursuing and possessing weapons of mass destruction that are explicitly prohibited by the United Nations Security Council.

We are fast approaching that moment of reckoning with Saddam Hussein. If he were to voluntarily disarm, it would be welcomed. But he will not. If he flees his country, the chances for peace are much better. But he will never flee unless he is absolutely convinced that there are no other options for his survival.

If individuals within Saddam's regime rise up and overthrow him, there will be an opportunity for a new beginning in Iraq. But none will take this brave step if they doubt the fortitude of the United States and the international community.

Let there be no mistake about our Nation's purpose in confronting Iraq. Saddam Hussein's regime poses a clear threat to the security of the United States, its friends and its allies. And it is a threat that we must address, and we must address now.

Recall that in 1991 we were concerned Saddam would use weapons of mass destruction to further his expansionist desires in the Middle East. Now, a decade later, we live with the reality—the reality—that terrorists may acquire and use such weapons on our soil.

I have no doubts that terrorists seek such weapons to use against this Nation. I am equally certain that Saddam Hussein possesses such weapons and would provide them to terrorists, if he has not already. And it is this nexus of a tyrannical dictator, those weapons of mass destruction, and terrorists who seek to inflict harm—grievous harm—upon the American people that compels us to act now.

The Senate—this body—and the House of Representatives voted overwhelmingly last fall to authorize the President to use force, if necessary, against Iraq if Saddam Hussein did not disarm. In those votes, the Congress stated unambiguously that the United States will not tolerate the pursuit and possession of weapons of mass destruction by Saddam Hussein.

Nothing has fundamentally changed. I guess one could say the possible exception to that statement would be we have even further evidence, because of the passage of time, that Saddam Hussein will not voluntarily disarm.

Last fall, to reaffirm the broad international commitment to disarm Iraq, President Bush successfully pursued a United Nations resolution that offered Saddam Hussein a final chance to meet the demands of the world community or face the consequences. Saddam has missed his final chance.

Now we are told the United States must pursue a second resolution before Iraq can be disarmed. The United Nations Security Council, on 17 separate occasions, over a 12-year period, demanded the disarmament of Iraq. For the record, this will not be a second resolution, but this will be an 18th resolution over this 12-year period. Nothing in history has been made more meaningful by repeating it 18 different times.

In the end, it is not a multilateral approach our opponents seek—for the

United States is already joined by a multitude of others who share our commitment to disarm Saddam. No, it is the false comfort of unanimity to which they aspire. When everyone is responsible, no one is accountable.

My friends, the hour has arrived for democratically elected leaders to stand up and be counted. Will the free world tolerate Saddam Hussein's continued brutality, his possession of weapons of mass destruction, and his continued defiance of the international community, or will we act to stop it now?

To those who would suggest we are acting in isolation to confront Saddam's evil, I remind you we are not alone in the conviction. In the past month, the leaders of 18 European countries have publicly endorsed the U.S. call for final action, including force, if necessary, to disarm Saddam Hussein.

Over two dozen countries are providing basing for our troops, access for our aircraft, and material support in preparation for a possible conflict with Iraq. And if it comes to that, with allies such as the United Kingdom, Australia, Spain, Italy, Denmark, as well as many of the new democracies of Eastern Europe all on our side, we will not carry this burden alone.

America is at its strongest when it is standing in common cause with our friends and allies. The inverse, of course, is that America's allies are at their strongest when they are standing with the United States.

To those leaders who have spoken out with us against the threat posed by Saddam Hussein, I commend your courage. As America has risen to challenge the threats posed and supported by Saddam Hussein, you chose to stand by her side. And such loyalty and such leadership will not soon be forgotten.

Some of our erstwhile allies would be well advised to recall their own freedom was regained by such courage and conviction. I remind them their own liberation in World War II was a less popular undertaking than a possible war in Iraq.

What about popular opinion at the time? If one goes back and looks at surveys and polls from the time, in October 1939, when asked whether the U.S. should enter the war in Europe, only 16.8 percent of Americans responded yes. And 17.2 percent said yes in December 1939. In July 1940, 26.9 percent said yes.

After winning reelection in 1940, President Roosevelt tried to move public opinion toward greater U.S. involvement, while offering significant material support to the allied war effort. Yet asked again in January of 1941 whether they would support a declaration of war, only 14 percent of the American people responded yes.

And as late as October 1941, President Roosevelt commented that 70 percent of Americans wanted us to stay out of the war in Europe.

Sadly, at that time, many around the world recoiled at the thought of con-

fronting Nazi Germany head on. After all, it was Europe's war, not ours, and Hitler was killing foreign Jews, not Americans. Many leaders of the day demanded we look after America first. They called for our country to stay within its borders, protected by the false security of two oceans. But then, as now—on December 7, 1941, and September 11, 2001—we were reminded that America is most vulnerable to attack when it is in retreat.

President Roosevelt demonstrated then, as President Bush does today, that the essential measure of a world leader is not in his ability to chase public opinion—no—but, rather, his courage to make the country safer by leading public opinion.

President Bush deserves much credit for confronting the grave and growing threat posed by the mad pursuit of a ruthless tyrant for the world's most deadly weapons. The President is right when he says that neither more time nor more inspections will stop Saddam.

The consequences of war with Iraq cannot be certain and those feelings of uncertainty we felt as the issues surrounding Iraq and the future have been discussed on the floor today. But our goals and our motives must be understood for what they are. We seek to defend our own people. We seek the liberation of the Iraqi people. We seek the foundation of a democratic government in Baghdad, and we seek the spread of peace in the Middle East. These are worthy goals of a great nation, and they are goals worth fighting for.

ADDITIONAL STATEMENTS

MR. HENRI LANDWIRTH

• Mr. NELSON of Florida. Mr. President, I rise today to acknowledge the accomplishments of Mr. Henri Landwirth, a great philanthropist from my home State of Florida. Mr. Landwirth, a Holocaust survivor born in Belgium in 1927, has beaten the odds to live the true American dream. In addition to his success in the hotel industry, Mr. Landwirth has founded several charitable organizations. His countless acts of charity continue to affect tens of thousands of lives. Mr. Landwirth has received numerous honors for his contributions to society, and today I rise to show my appreciation for all that he has done for the state of Florida and for people in need.

Henri Landwirth spend most of his teenage years during World War II in death camps and labor camps in Nazi Germany. He narrowly escaped with his life after a Nazi firing squad marched him into the woods to be shot and decided at the last minute to spare his life. After the war, Mr. Landwirth immigrated to the United States in 1950 with only \$20 to his name. He was drafted into the United States Army within three years. After serving in the military and learning English, he enrolled in a course in hotel management

and found entry-level employment in a New York hotel, quickly mastering his job and learning every job in the hotel.

Mr. Landwirth moved to Florida in 1954, and became Manager of the 100-room Starlite Motel in Cocoa Beach near Cape Canaveral, home of the National Aeronautics and Space Administration, NASA, Kennedy Space Center. The original seven astronauts, referred to as the "Mercury Seven"—M. Scott Carpenter, L. Gordon Cooper, Jr., John Glenn, Jr.; Virgil "Gus" Grissom; Walter Schirra, Jr.; Alan Shepard, Jr.; and Donald "Deke" Slayton—chose the Starlite Motel as their temporary residence. During this period, Mr. Landwirth developed strong friendships with these astronauts, which still bind them together.

Mr. Landwirth is now a partner in a successful Central Florida hotel company, with John Glenn and others, and he has spearheaded several initiatives to help those in need. He and the Mercury Seven astronauts founded the Mercury Seven Foundation, now known as the Astronaut Scholarship Foundation, which provides scholarships to young science students. In the 1970's, Mr. Landwirth founded an organization in honor of his mother, the Fanny Landwirth Foundation, through which he built a school and a center for senior citizens in Orlando, Florida. He also created a scholarship program, which allowed underprivileged Israeli students to come to the United States as visiting scholars.

In 1986, Mr. Landwirth founded Give Kids the World, a non-profit resort in Kissimmee, Florida, that provides terminally ill children and their families an all-expenses paid week-long vacation to central Florida and its popular attractions. Give Kids the World has served over 55,000 children throughout the United States and worldwide. The organization has grown from serving 329 children in its first year to a 51-acre resort that can accommodate 7,000 families a year.

In 1999, Mr. Landwirth founded Dignity U Wear, a Jacksonville-based foundation that provides new clothing to children and families who are homeless, abused, abandoned, or neglected. The operation donates new clothing, shoes and personal hygiene items to 98 shelters in 16 states, and is currently working to expand into 30 states across the nation.

In 2001, Mr. Landwirth founded Building for Life based in Jacksonville, which works in collaboration with other organizations, Operation Hope and FreshMinisters, an interfaith organization, of which Mr. Landwirth serves on the Board of Trustees. This most recent charitable organization aims to refurbish neglected homes while providing an opportunity for the homeless to learn new job skills.

I am proud to have Henri Landwirth as a citizen of the great state of Florida. On behalf of all Floridians, I offer him thanks and appreciation for all that he has done to help those in need. •

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 26, 2003 in Charlottesville, VA. Daisy Lundy was assaulted on the University of Virginia campus by an unknown man. Lundy, a 19 year-old of African American and Korean descent, left a friend's room just before 2 a.m. to retrieve a cell phone. When she got to her car, the assailant, described only as a "heavy-set" white man, attacked her, slamming her head into the steering wheel. The attacker referred to Lundy's candidacy for student council, and used a racial epithet during the assault.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING THE 2003 JCC MACCABI GAMES

• Mr. LAUTENBERG. Mr. President, this August the Jewish Community Center Maccabi Games will be held in Tenafly, NJ. Along with 300 local athletes, there will be 1,300 athletes from elsewhere in the United States, Canada, Israel, Europe, South America, Mexico, and Australia.

It is quite an honor to be the host for this event and quite a responsibility. The benefit of the Maccabi Games lies not only in the sporting events themselves, but because the Games bring together young Jewish people from all over the world.

Along with the athletic competitions, there will be social activities that bring together people from all over the world who nonetheless share the same history, values, and pride. The Games will also feature cultural programs and community service projects. When the Games conclude, these teenagers will take with them memories and friendships to last a lifetime.

I ask my colleagues to join me in honoring the participants of the 2003 JCC Maccabi Games. The Games are a great avenue for Jewish teenagers to meet other Jewish teens from around the world and make lifetime friendships and memories.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO MARY PAT ANGELINI, ALICE J. GUTTLE, THE HONOR- ABLE SUSAN D. WIGENTON AND THERESA I. SEITZ

• Mr. LAUTENBERG. Mr. President, it is with great pride that I today pay special tribute to four incredible women from New Jersey. On March 13 the Monmouth Council of Girl Scouts will honor Mary Pat Angelini, Alice Guttler, Esq., Theresa Seitz, and Judge Susan Wigenton at its Annual Women of Distinction Dinner.

Mary Pat Angelini is receiving the Community Service Award and is currently the Executive Director of Prevention First, which works to provide leadership and develop leaders to prevent substance abuse. She has been with the organization since 1992 and has helped to increase its annual budget from \$125,000 to multi-million dollar status.

Mary Pat Angelini has been involved with substance abuse prevention for many years. She is the immediate past president of the New Jersey Prevention Network and she was a member of the Leadership Council for the Community Anti Drug Coalitions of America.

Since 2000 she has served on the Governor's Council on Alcoholism and Drug Abuse. Ms. Angelini coordinated 38 local coalitions to prevent substance abuse with the Monmouth County's Division of Alcohol and Drug Abuse Services. She also sits on the Robert Wood Johnson Foundation's New Jersey Health Initiative Advisory Committee.

Alice J. Guttler, Esq., is receiving the Professionalism Excellence Award. She currently is corporate counsel with Centrastate Healthcare System. Centrastate runs a 241-bed acute care community hospital, a continuous care retirement community and a 120-bed skilled nursing home.

Previously she was a New Jersey Deputy Attorney General in the Department of Law & Public Safety. She served as counsel to the University of Medicine and Dentistry of New Jersey and conducted labor, employment, and commercial litigation.

Judge Susan Wigenton is also receiving the Professionalism Excellence Award. Currently, Judge Wigenton serves as a United States Magistrate Judge in U.S. District Court. She previously served as a part-time United States Magistrate Judge. Prior to that, Judge Wigenton practiced in Middletown, NJ with the law firm of Giordano, Halleran & Ciesla, P.C.

Judge Wigenton has also served as a Public Defender in Asbury Park, New Jersey. She was Chair, Monmouth County District Ethics Committee. She currently serves as the Chair of the Civil Justice Reform Act Committee for the Federal Courts in the District of New Jersey.

Theresa I. Seitz is also receiving the Community Service Award. Since 1961 she has served on the Recreation Commission of Freehold, New Jersey and has directed Christmas plays for the Parent Teacher Association or St. Rose of Lima School.

Since 1982 Ms. Seitz has been a member of the Board of Trustees for "180, Turning Lives Around." This organization offers services to all family members affected by domestic violence and sexual abuse. She currently runs 180's "Puttin' on the Ritz Resale Boutique," which is a non-profit clothing shop that benefits the organization.

I ask my colleagues to join me and the Monmouth Council of Girl Scouts in honoring Mary Pat Angelini, Alice J. Guttler, Esq., Theresa I. Seitz and Judge Susan Wigenton for their great service to the residents of New Jersey.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO THE "FOUR CHAPLAINS" OF WORLD WAR II

• Mr. LAUTENBERG. Mr. President, I pay tribute to the heroic "Four Chaplains" of World War II. In February, the Jewish War Veterans of Monmouth County and the Marlboro Jewish Center hosted the Monmouth County Interfaith Memorial Commemoration. These organizations honored four chaplains who bravely gave their life during World War II.

On February 3, 1943 the U.S. Troopship S.S. *Dorchester* was in the Atlantic Ocean when it was torpedoed by a German U-boat submarine 150 miles from Greenland. On board the ship were four chaplains. Protestant Ministers George L. Fox and Clark V. Poling, Roman Catholic Priest John P. Washington and Rabbi Alexander D. Goode. All went down with the *Dorchester*.

Two hundred and twenty-nine of the 902 Army GIs on board were rescued. Indications are that not as many would have made it safely to the rescue ships if not for the bravery of these four men. They helped soldiers to the rescue ships and when life vests ran out they gave up theirs so four soldiers could live. According to some eyewitnesses, the four men were last seen with their arms linked and their heads bowed in prayer.

I ask my colleagues to join me and the Jewish War Veterans of New Jersey in paying tribute to these four brave souls who died with dignity and gave their lives so others could live.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HONORING EPHRAIM AND JOANNE ZAYAT, DR. PAUL AND ESTHER LERER, MICHAEL AND SHARON GLASS AND RABBI YA'AKOV NEUBURGER

• Mr. LAUTENBERG. Mr. President, it is with great pride that I honor a few outstanding residents of the State of New Jersey. In March the SINAI Special Needs Institute is honoring these New Jerseyans for their dedication to the community. The Institute works to meet the needs of learning disabled children throughout the State.

Ephraim and Joanne Zayat received the Pillars of SINAI award. Mr. Zayat is the executive chair and CEO of Heineken, Egypt and was named a Global Leader for Tomorrow by the World Economic Forum. He also serves on the Bush-Mubarak Presidents Council. Mr. Zayat is a member of the board of directors of the Academic Egyptian Arts & Sciences Foundation.

Mrs. Zayat is on the board of directors at Yavneh Academy and she was a board member of Congregation Bnai Yeshurun. She is also an active member of Amit and Emunah.

Dr. Paul and Esther Lerer were the Institute's guests of honor at this annual dinner. Dr. Lerer is a board member of Moriah School and a member of the religious services and tzedakah committees of Congregation Ahavath Torah.

Esther Lerer is on the board of trustees at Congregation Ahavath Torah where she was also president. She is also a member of the board at Ma'ayanot High School, Shaare Zedek Medical Center, and the UJA Federation of Bergen County and North Hudson. Dr. and Esther Lerer are involved in Bar Ilan University and they have been honored by Yeshivat Shalvim.

Michael and Sharon Glass were the Kesser Shem Tov awardees. Michael Glass is an original member of Dof Yomi. He also helps set up the Shalosh Seudos every Shabbat and is a member of the monthly shomer program. Michael Glass is the vice president of Global Scientific Affairs for the Adams division of Pfizer. In that capacity he works for kosher certification of Adams confectionary products.

Sharon Glass is director of the Jewish Center of Teaneck's Nursery School and used to be a teacher in the Leah Sokoloff Nursery School at Congregation Shomrei Torah. She is also the shul's co-vice president of sisterhood.

Rabbi Ya'akov Neuburger was the recipient of the Rabbinic Leadership award. Rabbi Neuburger is the spiritual leader for Congregation Beth Abraham. He was also one of the first rabbis to receive Yadin Yadin ordination from the Rabbi Isaac Eichanan Theological Seminary.

I ask my colleagues to join me and the SINAI Special Needs Institute in honoring these very dedicated residents of New Jersey who have contributed so much to their communities.●

ANOTHER UNPRECEDENTED STEP BY THE JUSTICE DEPARTMENT

● Mr. LEVIN. Mr. President, I raise an issue that has come to my attention regarding the Justice Department's reported attempt to restrict the use of the National Instant Criminal Background Check System by local law enforcement. According to the Brady Campaign to Prevent Gun Violence and the Associated Press, a Department of Justice attorney recently threatened to bring charges against a top firearm official in California. The charges stem

from California's practice of conducting National Instant Criminal Background Check System or NICS background checks.

According to reports, the dispute involves the use of the NICS database by law enforcement to determine if guns seized in criminal investigations should be returned to their owners. California officials need access to the NICS database because it includes data from across the country and therefore more accurately determines whether a person is prohibited from possessing a firearm. Local law enforcement in California performs these checks thousands of times per year.

An example from the Brady Campaign to Prevent Gun Violence illustrates the problem. When responding to a domestic violence complaint, law enforcement in California ask if there are any firearms present in the home and take temporary custody of any guns they find. Before returning the guns, law enforcement asks the California Department of Justice to run a NICS background check to determine whether the gun owner is prohibited from purchasing or possessing a firearm. The U.S. Department of Justice is challenging this practice, claiming that it is a misuse of the NICS background check system. The U.S. Justice Department wants law enforcement to stop performing these checks and immediately return guns to their owner.

The Brady Law contains nine categories of individuals prohibited from purchasing and possessing a firearm including felons and illegal immigrants. I believe that law enforcement in all 50 states and the District of Columbia should do everything within the law to insure that these potentially dangerous individuals do not gain access to firearms. The State of California is carrying out a common sense application of the law. As the Los Angeles Times said in a recent editorial, the Justice Department's threatened actions are reckless, and are contrary to both public safety and sensible public policy.

I ask unanimous consent that a copy of the Los Angeles Times editorial be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASHCROFT'S RUSSIAN ROULETTE

Last year, Atty. Gen. John Ashcroft tried but failed to get the U.S. Supreme Court to buy his theory that the 2nd Amendment allows pretty much anyone to buy pretty much any gun, a view the court has consistently if infrequently rejected.

Now Ashcroft has threatened California's top firearms control official with criminal charges if the state continues to use a federal databank to hunt down those making illegal gun purchases, as it has done for years. Ashcroft's latest decree is reckless and could emasculate this nation's gun laws, hamstring police and put the public at risk.

Since 1998, firearms dealers across the country have used the Department of Justice's National Instant Criminal Background Check System, or NICS, to check, supposedly within 30 seconds, whether a customer is prohibited from owning a gun because of, for ex-

ample, a felony or a history of mental illness.

California also has used the system to check whether someone recently found by doctors to be mentally unstable—and therefore barred from purchasing a weapon—had earlier bought a firearm.

In addition, state law enforcement officials use this background check to determine whether police should return a weapon confiscated from an arrested person. The police are required to withhold a gun if, for example, they learn that the suspect had committed a crime in another state since he bought it.

These have been standard law enforcement practices in California for years.

Ashcroft wants to stop such practices, believing that a gun owner's right to privacy trumps public safety.

The federal Brady law, requiring the background check for handgun buyers, requires gun dealers to take one peek at an individual's criminal record. A buyer with a clean record takes the gun home. But if that same individual later commits a crime, is slapped with a restraining order or becomes mentally unstable, Ashcroft has decreed no one should know.

Ashcroft would force California law enforcement officials to play Russian roulette 7,000 times a year when they release a suspect for lack of evidence, spring a parolee from prison or discover that a judge has put a restraining order on a wife beater who has a firearm. Only, in this game, the bullets will be aimed at law-abiding citizens.

For the moment, California Atty. Gen. Bill Lockyer and his firearms division chief, Randy Rossi, are standing firm, as they should, vowing to continue using the NICS database to protect Californians despite Ashcroft's vague threats of prosecution. Pressure from Sen. Dianne Feinstein's (D-Calif.) office may have prompted staffers from Ashcroft's and Lockyer's offices to agree to talk Thursday by telephone in an effort to end this impasse.

A large part of Ashcroft's responsibility is protecting the public, not undercutting laws that would help him do that job.●

TRIBUTE TO GREENUP COUNTY HIGH SCHOOL VARSITY CHEERLEADING SQUAD

● Mr. BUNNING. Mr. President, I pay tribute to the Greenup County High School Varsity Cheerleading Squad. On February 9, the Greenup County High School Varsity Cheerleading Squad won the Universal Cheerleading Association's National Championship in Orlando, FL.

Greenup County High School has a long standing tradition of bringing home the national title. Over the years, Greenup County has been named National Champions 11 times, a feat that no other high school cheerleading program in the country has accomplished.

For the young women on this squad this is not just an trophy, it is an affirmation that with hard work and determination, anything is possible. To accomplish this goal the members not only have to juggle long practices and games, but they continue to achieve academic excellence. Not only are these young women excellent athletes and students but they pride themselves in giving back to their community for

support they have received by doing community service, fundraising, and public relations for their school system. The citizens of Greenup County, KY are fortunate to have the 2003 National Champions living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I am very proud of the accomplishments these young women have made. I would like to congratulate the members of the Greenup County High School Varsity Cheerleading Squad for their success. But also, I want to congratulate their peers, coaches, teachers, administrators, and parents for their support and sacrifices they've made to help the Greenup County High School Varsity Cheerleading Squad make their dreams a reality. •

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1446. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal System, transmitting, pursuant to law, the report of a rule entitled "Equal Credit Opportunity; Regulation B (Doc. No. r-1008)" received on March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1447. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the 2002 Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 2, 3, 4, 5, 6, 7, 8 and 9 of the Commerce Control List, General Software Note, and Reporting Requirements (0694-AC65)" received on March 3, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1448. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation and Nondesignations of Critical Habitat for 42 Plant Species From the Island of Molokai, Hawaii; Final Rule (RIN 1018-AH08)" received on March 3, 2003; to the Committee on Environment and Public Works.

EC-1449. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Textile Rules, 16 C.F.R. Part 303 (RIN 3084-0101)" received on March 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Aliens and Nationality; Homeland Security; Reorganization of Regulations (1125-AA42)" received on March 5, 2003; to the Committee on the Judiciary.

EC-1451. A communication from the Chief, Regulations Unit, Internal Revenue Unit, Department for the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Shelter Regulations (RIN 1545-AX81,

1545-BB49, 1545-BB50, 1545-48, 1545-BB53, 1545-BB51, 1545-BB52, 1545-AW26, 1545-AX79)" received on March 3, 2003; to the Committee on Finance.

EC-1452. A communication from the Chief, Regulations Unit, Internal Revenue Unit, Department for the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transaction w/Significant Book-Tax Difference, Exceptions (RP-105734-03)" received on March 5, 2003; to the Committee on Finance.

EC-1453. A communication from the Chief, Regulations Unit, Internal Revenue Unit, Department for the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exceptions from Loss Transactions (Rp-105737-03) (Rev. Proc. 2003-24)" received on March 3, 2003; to the Committee on Finance.

EC-1454. A communication from the Assistant Secretary for Fish & Wildlife & Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Gulf Sturgeon (1018-AI23)" received on March 3, 2003; to the Committee on Environment and Public Works.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL for the Committee on Indian Affairs.

*Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself and Mrs. MURRAY):

S. 574. A bill to amend part A of title IV of the Social Security Act to toll the 5-year limit for assistance under the temporary assistance to needy families program for recipients who live in a State that is experiencing significant increases in unemployment; to the Committee on Finance.

By Mr. INOUE:

S. 575. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. BREAU, Mr. HATCH, Mr. DORGAN, Mr. KYL, Mrs. LINCOLN, Mr. COCHRAN, Ms. STABENOW, Mr. FITZGERALD, Mrs. CLINTON, Mr. REID, and Mr. SUNUNU):

S. 576. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 577. A bill to establish the Freedom's Way National Heritage Area in the States of

Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUE (for himself, Mr. CAMPBELL, Mr. AKAKA, and Ms. CANTWELL):

S. 578. A bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN (for himself, Mr. HOLINGS, Mr. LOTT, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 579. A bill to reauthorize the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

S. 4

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 4, a bill to improve access to a quality education for all students.

S. 128

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 128, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

S. 270

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 270, a bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced unemployment benefits, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 480

At the request of Mr. HARKIN, the names of the Senator from Louisiana (Mr. BREAU) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 480, a bill to

provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. JEFFORDS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. WYDEN), the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Delaware (Mr. BIDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. BAUCUS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 488

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 491

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 539

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 539, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.

Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mrs. MURRAY):

S. 574. A bill to amend part A of title IV of the Social Security Act to toll the 5-year limit for assistance under the temporary assistance to needy families program for recipients who live in a State that is experiencing significant increases in unemployment; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to reintroduce legislation, the Unemployment Protection for Low-Income Families on TANF Act, or UPLIFT Act, that will protect low-income families who are transitioning from welfare to work from losing their welfare benefits during periods of high unemployment. I want to thank my colleague, Senator MURRAY, for joining me in cosponsoring this important legislation.

Forcing families off welfare during a recession because they cannot find a job lacks commonsense. In fact, during an economic downturn, which we are in right now, low-skilled workers and recently employed workers are more likely to lose their jobs, and unfortunately, only 30 to 40 percent of former welfare recipients who become unemployed qualify for Unemployment Insurance. Furthermore, there are 1.5 million fewer jobs today than there were a year ago, when the economic downturn began, making it increasingly difficult for these individuals to find employment, particularly full-time employment.

A single parent receiving welfare assistance while working 30 hours a week who loses her job during a recession should not be penalized. For families like this, welfare is the only unemployment insurance they have. But, under current law, federal welfare time limits and work requirements continue to apply during periods of high-unemployment.

The Unemployment Protection for Low-Income Families through TANF Act, or UPLIFT Act, would require states to disregard federal TANF assistance for all recipients when the national unemployment rate reaches or exceeds 6.5 percent or when a state unemployment rises by 1.5 percentage points over a three-month period.

Every percentage point increase in unemployment results in a welfare caseload increase of 5 percent. In addition to enacting a strong contingency fund for states experiencing high unemployment and increased caseloads, Congress must act to ensure that welfare recipients are not time-limited off of welfare when the economy is weak and jobs are in short supply. In addition to promoting self-sufficiency, TANF programs should be a safety net

for low-income families who are unable to find work or meet their needs.

My legislation will help parents who are trying to transition from welfare to work, but are unable to find work during a weak economy, to provide for their families without the fear of losing cash assistance. The TANF program is not only about moving people from welfare to work, it is also about reducing poverty and helping families in need.

While welfare reform has succeeded at moving thousands of people into work, its success has come in strong economic times. As people reach their 5-year time limits, we can only hope they will be able to find jobs in what is now a more difficult economy. The reality is that many states are experiencing high unemployment right now, making it extremely difficult for welfare recipients to find good paying full-time jobs. We shouldn't penalize people who are trying to transition from welfare to work just because the economy is bad. We need to continue to help these families build their skills and find employment when times are tough.

As Congress acts to reauthorize the TANF program I ask my colleagues to support legislation that will protect families transitioning from welfare to work from losing their benefits during a recession.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Protection for Low-Income Families on TANF Act of 2003" or the "UPLIFT Act of 2003".

SEC. 2. DISREGARD OF MONTHS OF ASSISTANCE RECEIVED DURING PERIODS OF HIGH UNEMPLOYMENT.

(a) IN GENERAL.—Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) DISREGARD OF ASSISTANCE RECEIVED DURING PERIODS OF HIGH UNEMPLOYMENT.—

"(i) IN GENERAL.—In determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month in which the State is determined to be a high unemployment State for that month.

"(ii) DEFINITION OF HIGH UNEMPLOYMENT STATE.—For purposes of clause (i), a State shall be considered to be a high unemployment State for a month if it satisfies either of the following criteria:

"(I) STATE RATE OF UNEMPLOYMENT.—The average—

"(aa) rate of total unemployment (seasonally adjusted) in the State for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in either of the 2 most recent preceding fiscal years; or

“(bb) insured unemployment rate (seasonally adjusted) in the State for the most recent 3 months for which data are available has increased by 1 percentage point over the corresponding 3-month period in either of the 2 most recent preceding fiscal years.

“(II) NATIONAL RATE OF UNEMPLOYMENT.—The average rate of total unemployment (seasonally adjusted) for all States for the period consisting of the most recent 3 months for which data for all States are published equals or exceeds 6.5 percent.

“(iii) DURATION.—A State that is considered to be a high unemployment State under clause (ii) for a month shall continue to be considered such a State until the rate that was used to meet the definition as a high unemployment State under that clause for the most recently concluded 3-month period for which data are available, falls below the level attained in the 3-month period in which the State first qualified as a high unemployment State under that clause.”.

By Mr. INOUE:

S. 575. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I rise today to introduce a bill to amend the Native American Languages Act to provide authorization for the establishment of Native American Language Survival Schools. I am pleased to be joined in the co-sponsorship of this measure by the Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL.

As part of the United States' forced assimilation policies towards Native Americans in the 1880s, the Federal Government initiated a system of off-reservation boarding schools. Native American Children were forcibly taken from their families and transported hundreds of miles to schools where they were subjected to efforts to eradicate all vestiges of their cultural background: their hair was cut notwithstanding the religious importance of hair length in most native cultures; their clothes were replaced with military-style uniforms; they were forbidden to practice their native religions; and they were punished for speaking their native languages. This effort to eradicate Indian culture was unsuccessful and the United States eventually abandoned this policy. However, the long-lasting impacts have separated generations of Native Americans from their native languages.

The Native American Languages Act of 1990 officially repudiated the policies of the past and declared that “it is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.” The Native American Languages Act Amendments of 1992 amended the Native American Programs Act of 1974 to establish a grant program to support Native American language projects which would be administered by the Administration for Native Americans, Department of Health and Human Services. This bill would bring

the Nation one step closer to assuring the preservation and revitalization of Native American languages by supporting the development of Native American Language Survival Schools.

The purpose of this bill is to address the effects of past discrimination against Native American language speakers and to support revitalization of such languages through the development of Native American Language Survival Schools and Native American language Nests. In addition, the bill seeks to demonstrate the positive effects of Native American Language Survival Schools on the academic success of Native American students and their mastery of standard English. An important component in language revitalization is family involvement with the Native American Language Survival Schools, as well as educational exchanges among Native American Language Survival Schools. Furthermore, the bill provides support for Native American Language Survival School facilities and endowments, the development of local and national teaching models, and the creation of a university-level support center system for Native American Language Survival Schools.

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. BREAUX, Mr. HATCH, Mr. DORGAN, Mr. KYL, Mrs. LINCOLN, Mr. COCHRAN, Ms. STABENOW, Mr. FITZGERALD, Mrs. CLINTON, Mr. REID, and Mr. SUNUNU):

S. 576. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements, to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today, joined again by my colleague Mr. NICKLES and many others, to introduce important legislation to provide a 10-year depreciation life for leasehold improvements. Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant.

This is a common sense move that will help bring economic development to cities and towns around the country that want to revitalize their business districts. It will allow owners of commercial property to remodel their buildings to better meet the business needs of their communities—whether for new computer ports and data lines for high-tech entrepreneurs, or better lighting and sales space for retailers.

In actual commercial use, leasehold improvements typically last as long as the lease—an average of 5 to 10 years. However, the Internal Revenue Code requires leasehold improvements to be depreciated over 39 years—the life of the building itself.

Economically, this makes no sense. The owner receives taxable income over the life of the lease, yet can only recover the costs of the improvements associated with that lease over 39 years—a rate nearly four times slower.

This preposterous mismatch of income and expenses causes the owner to incur an artificially high tax cost on these improvements.

The bill we are introducing today will correct this irrational and uneconomic tax treatment by shortening the cost recovery period for certain leasehold improvements from 39 years to a more realistic 10 years. The proposal being offered today would apply to property placed in service after September 10, 2004, in order to provide a smooth transition from the temporary bonus depreciation system enacted as part of the Job Creation and Worker Assistance Act of 2002.

This legislation would more closely align the expenses incurred to construct improvements with the income they generate over the term of the lease. By reducing the cost recovery period, the expense of making these improvements could fall more into line with the economics of a commercial lease transaction, and more building owners would be able to adapt their buildings to fit the needs of today's business tenant.

It is good for the economy to keep existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources, and a sense of neighborhood. The current law 39-year cost recovery period for leasehold improvements is an impediment to reinvesting in existing properties and communities.

Shortening the recovery period will make renovation and revitalization of business properties more attractive. That will be good not just for property owners, but also for the economic development professionals who are working hard every day to attract new businesses to empty downtown storefronts or aging strip malls. And it will be good for the architects and contractors who carry out the renovations.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements.

Mr. NICKLES. Mr. President, today I am joining my colleague from North Dakota, Mr. CONRAD, in introducing legislation to provide that leasehold improvements are depreciated over 10 years instead of the current-law 39 years. Leasehold improvements are modifications to the interior of rental space, either office or retail space, not residential real estate, made by a building owner as part of a lease agreement with a tenant. These improvements include electrical and communications outlets, data ports, floor coverings, fire and security systems, and internal walls.

Under the current depreciation system, leasehold improvements to rental property are depreciated over the same time period as the building itself—39 years. However, this 39 year depreciable life does not reflect the actual

life of these improvements. Lease terms average 7 to 10 years for office space and 3 to 5 years for retail space. Building owners typically must remove any leasehold improvements they have made to a property at the end of the lease term. Or, in the case of a lease renewal, tenants frequently demand that owners make improvements to the property as a condition of renewing the lease. Requiring business owners to depreciate these improvements over 39 years leads to a mismatch of income and expenses, thereby increasing the tax consequence of making such improvements. The long depreciation period simply makes no economic sense.

I believe that our tax laws should be updated to treat leasehold improvements in a more rational manner. That is why my colleague and I are introducing legislation to reduce the depreciable life of these improvements from 39 years to 10 years. By reducing the time period over which leasehold improvements are depreciated, our bill will more accurately align income and expenses related to rental property, and will mitigate the tax disincentives to modernizing commercial buildings.

In last year's economic stimulus bill Congress provided some relief to owners of rental property by allowing a 30 percent depreciation bonus for qualified leasehold improvements. However, this relief is only partial and is temporary. I look forward to working with my colleagues to enact my legislation that will provide more rational tax treatment of leasehold improvements on a permanent basis. By so doing, we will take an incremental step toward modernizing the tax code's outdated depreciation rules.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 577. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, I rise to introduce legislation to establish the Freedom's Way National Heritage Area in New Hampshire and Massachusetts. The bill is cosponsored by Senator KENNEDY, Senator GREGG and Senator SUNUNU.

The bill proposes to establish a national heritage area including 36 communities in Massachusetts and six communities in New Hampshire. The area has important cultural and natural legacies that are important to New England and the entire Nation. I want to highlight just a few of the reasons I believe this designation makes sense.

The Freedom's Way is an ideal candidate because it is rich in historic sites, trails, landscapes and views. The land and the area's resources are pieces of American history and culture. The entire region, and especially places like Lexington and Concord, is impor-

tant to our country's founding and our political and philosophical principles. Within the 42 communities are truly special places. These include the Minute Man National Historic Park, more than 40 National Register Districts and National Historic Landmarks, the Great Meadows National Wildlife Refuge, Walden Pond State Reservation, Gardener State Park, Harvard Shaker Village and the Shirley Shaker Village.

In addition, there is strong grassroots support for this designation. The people of these communities organized themselves in this effort and have now turned to us for assistance. I hope we can provide it. Supporters include elected officials, people dedicated to preserving a small piece of American and New England history, and local business leaders. It is an honor to help their cause.

Finally, I am very pleased that Senators from both Massachusetts and New Hampshire have embraced this proposal. I thank Senators KENNEDY, GREGG, and SUNUNU.

By Mr. INOUE (for himself, Mr. CAMPBELL, Mr. AKAKA, and Ms. CANTWELL):

S. 578. A bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes; to the Committee on Government Affairs.

Mr. INOUE. Mr. President, I rise today to introduce a bill that would amend the Homeland Security Act of 2002 to include Indian tribal governments amongst the governmental entities that are consulted with respect to activities carried out by the Secretary of the Department of Homeland Security. This bill is entitled the "Tribal Government Amendments to the Homeland Security Act of 2002", and I am pleased to be joined in the sponsorship of this measure by the Chairman of the Senate Committee on Indian Affairs, Senator BEN Nighthorse CAMPBELL, as well as our colleagues Senator DANIEL AKAKA, and Senator MARIA CANTWELL.

The amendments proposed in this measure were developed in consultation with the Senate Government Affairs Committee in the last session of the Congress but were not included in the final version of the Act because of the procedural posture of the bill as it came to the Senate from the House of Representatives.

There are 260 miles of tribal lands which form our northern and southern borders with Canada and Mexico, and along those border lands, tribal governments are the principal and frequently the only law enforcement presence with the capacity to protect those borders and to assure the safety of our homeland. In addition, there are hundreds of miles of tribal lands that border the waters surrounding the United States, and there too, tribal law enforcement is the first line of defense for purposes of homeland security.

In the Homeland Security Act of 2002, tribal governments are included in the definition of "local governments". As we all know, local governments are political subdivisions of the States. In contrast, tribal governments are recognized as separate sovereigns under the United States Constitution that do not derive their sovereign status from the States, and accordingly, we believe that Federal law should continue to reflect the legal distinction between local governments that are political subdivisions of the States and tribal governments.

Accordingly, these amendments would remove tribal governments from the definition of "local governments" as currently set forth in the Act, and insert tribal governments in the appropriate and relevant sections of the Act.

There can be no doubt that tribal governments have a critical role to play in our Nation's homeland security efforts and the protection of our land and water borders. Thus, this measure also makes clear that for purposes of homeland security, the United States recognizes the inherent authority of tribal governments to exercise jurisdiction currently with the Federal government to assure that applicable criminal, civil and regulatory laws are enforced on tribal lands.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 579. A bill to reauthorize the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2003-2006.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by striking "such sums to" and inserting the following: "\$73,325,000 for fiscal year 2003, \$78,757,000 for fiscal year 2004, \$83,011,000 for fiscal year 2005, and \$87,539,000 for fiscal year 2006. Such sums shall".

(b) EMERGENCY FUND.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: "In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level not to exceed \$3,000,000."

(c) NTSB ACADEMY.—Section 1118 of such title is amended by adding at the end the following:

"(c) ACADEMY.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation

Safety Board Academy, not otherwise provided for, \$3,347,000 for fiscal year 2003, \$4,896,000 for fiscal year 2004, \$4,995,000 for fiscal year 2005, and \$5,200,000 for fiscal year 2006. Such sums shall remain available until expended.

"(2) FEES.—The Board may impose and collect such fees as it determines to be appropriate for services provided by or through the Academy.

"(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this paragraph—

"(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(C) shall remain available until expended.

"(4) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required."

(c) REPORT ON ACADEMY OPERATIONS.—The National Transportation Safety Board shall transmit an annual report to the Congress on the activities and operations of the National Transportation Safety Board Academy.

SEC. 3. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

"(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

"(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

"(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident."

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES.

Section 1113(b) of title 49, United States Code, is amended—

(1) by striking "Statutes;" in paragraph (1)(B) and inserting "Statutes, and, for investigations conducted under section 1131, enter into such agreements or contracts without regard to any other provision of law requiring competition if necessary to expedite the investigation;" and

(2) by adding at the end the following:

"(3) The Board, as a component of its annual report under section 1117, shall include an enumeration of each contract for \$25,000 or more executed under this section during the preceding calendar year."

AUTHORITY FOR COMMITTEES TO MEET

JOINT ECONOMIC COMMITTEE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Friday, March 7, 2003, from 9:30 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, appoints the following Members to the President's Export Council:

The Senator from Texas (Mr. CORNYN).
The Senator from Missouri (Mr. TALENT).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 50, 51, 57, 58, and 59.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

Eugene James Corcoran, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

DEPARTMENT OF DEFENSE

Stephen A. Cambone, of Virginia, to be Under Secretary of Defense for Intelligence.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D.W. Corley, 9553

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. Walter L. Sharp, 4862

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MARCH 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, March 10. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume executive session for the consideration of the nomination of Miguel Estrada.

I further ask unanimous consent that when the Senate proceeds to the consideration of Calendar No. 19, S. 3, the partial-birth abortion bill, under the order entered into yesterday, the time from 5 to 6 p.m. be equally divided between Senator SANTORUM or his designee and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, on Monday, the Senate will once again resume consideration of the Estrada nomination. We will continue to pursue an agreement to allow for an up-or-down vote which is the end point for this nomination. At 5 o'clock on Monday, the Senate will begin consideration of S. 3, the partial-birth abortion bill. A number of Senators have indicated they will be available to make their opening statements on that bill during Monday's session. As a reminder, the first rollcall vote of Monday's session will occur at 6 p.m. on the nomination of Gregory Frost to be a U.S. District Judge for the Southern District of Ohio.

I thank all Members for their attention.

Mr. REID. Mr. Leader, Monday afternoon from 2 until 5 we will be on the Estrada nomination again. We have had a long, thorough debate on this matter. There has been some difficult dialog, but it has all been for the advocacy that should be present in the Senate. What this is leading up to is everything has gone so well at this point, we would hope—and I will be here virtually all the time that afternoon—that there would be no effort to try to sneak in a vote when somebody is not on the floor or anything like that. I think it would really take away from what has happened here. I continue to ask that question.

I am not sure that there will be people from the Judiciary Committee available all that afternoon. That means I will have to cover that. There are times when I am indisposed for various reasons.

Mr. FRIST. Mr. President, we can assure the other side that we will be engaged just in discussion on the Estrada nomination and have no intention to

be voting during that period. We will be continuing the very important discussion on the nomination itself.

My goal in that discussion next week is to begin to talk, not to extend what has been a very good debate, but have a discussion on this nomination in terms of the constitutional significance of advice and consent. Monday, hopefully in the afternoon, some of that discussion will begin, and then also continue that through Tuesday.

I do thank the assistant minority leader and really the whole other side of the aisle. We have had a productive week. We made real progress to complete the treaty yesterday, a very important initiative. I look forward to next week being a productive week.

Mr. REID. Mr. President, if the Senator will yield, the other question I have is, I learned yesterday that there may be an effort on Tuesday morning from 11 to 12:30 to get back on Estrada, talking about some constitutional issues people think are there. That is fine. I was just wondering if that, in fact, is the case because the Judiciary Committee members want to plan their schedules if in fact that were the case.

Mr. FRIST. That is the time that has been set aside, similar to today. There had been a request from both sides of

the aisle today to spend time talking about the issue that has been discussed; that is, Iraq and the events there. Similarly, people have asked, well, we have been on Estrada, but why don't we take a period of time to give focus to the big issues that affect the institution in terms of advice and consent and balance of power. In response to that, we have set aside this period between 11 o'clock and 12:30 on Tuesday. It is my hope that we have many Senators here to participate in that debate because I look forward to it. The whole purpose is to set that period aside. We will discuss the best way to construct that between both sides.

Mr. REID. Mr. President, through you to the leader, I extend my appreciation for his courtesy, as usual.

ADJOURNMENT UNTIL 2 P.M.,
MONDAY, MARCH 10, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, March 10, 2003, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 2003:

DEPARTMENT OF DEFENSE

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.
THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

EUGENE JAMES CORCORAN, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.
HUMBERTO S. GARCIA, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

Maj. Gen. John D.W. Corley

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

Maj. Gen. Walter L. Sharp